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OFFICIAL REPORT
(HANSARD)

Wednesday, February 18, 2004

Speaker: The Honourable Peter Milliken

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CORRIGENDUM

The February 17, 2004 issued of *Hansard* should be amended as follows:

Page 679, at the bottom of the left-hand column, after the question posed by Ms. Caroline St.-Hilaire, the following response should appear:

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, far from lack of action, in early 2002 when this letter that the hon. member mentions was received, the Minister of Public Works was changed. The reference was made to the Auditor General of the Groupaction files. She reported. Public accounts committee hearings were held, when a number of people, including the public servants involved, were called as witnesses. The Auditor General then referred cases to the RCMP, three of them. Subsequently, the department had a full quick response team review of 200 files and sent 10 more cases to the RCMP. Starting in early 2000, many things were happening.

Page 679, the first line of the right-hand column should read:

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, I want to be extremely clear. In January 2002, a

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HOUSE OF COMMONS

Wednesday, February 18, 2004

The House met at 2 p.m.

Prayers

● (1400)

[*English*]

The Speaker: As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Winnipeg North Centre.

[Editor's Note: Members sang the national anthem]

STATEMENTS BY MEMBERS

[*English*]

AGE OF CONSENT

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, 251 parishioners of St. Alphonsus Church, Peterborough, signed and sent symbolic ribbons to me as part of their campaign to focus awareness on raising the age of consent for sexual activity.

Currently, the age of consent for sexual activity in Canada is 14. My constituents want to see this age raised to 18.

The Catholic Women's League of Canada co-operates with CASE, Canadians Addressing Sexual Exploitation, to get this message out.

I will be forwarding these symbolic ribbons to the Minister of Justice, as well as sending along their message of concern about this most important issue.

I commend this group for their dedicated efforts on behalf of a cause of great importance to them and for their fine service in Peterborough and Canada.

* * *

● (1405)

AGRICULTURE

Mr. Dale Johnston (Wetaskiwin, CPC): Mr. Speaker, since BSE was detected in one Alberta cow nearly a year ago, life for everyone connected with the cattle industry has been turned upside down in Canada.

While the government has been bogged down with scandals, tax paying cattle producers are struggling to stave off bankruptcy. This crisis is having a devastating effect in communities across the country.

In my constituency the loss of revenue from cattle sales has dealt a crippling blow to local businesses. Sales of farm machinery are off by 50% or more, and retail outlets, from grocery stores to record shops, are reeling from staggering losses of revenue.

After 87 years, the Ponoka Co-op was forced to close its doors two weeks ago and lay off its 40 employees.

The players across the way may have changed, but it is the same old approach. Why would they ignore a $30 billion industry that provides nearly a quarter of a million jobs in this country.

If the government continues to neglect the people whose livelihoods are dependent upon agriculture, it will do so at its peril.

* * *

CYPRUS

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, after 40 years of separation and antagonism, Greek and Turkish Cypriot leaders have pledged to negotiate the reunification of Cyprus based on the Annan plan unveiled on November 11, 2002. The date is significant because it is also the day the world remembers those who died in two world wars.

It has been a long road for these two states who can now envision their futures together as one with shared values as they get ready to join the European Union on May 1.

In anticipation of a new peace, in the last eight months or so restrictions on travel across the buffer zone have been relaxed. There have been over two million crossings without violent incidents.

Canadians of Greek origin in the riding of Laval West can be proud of these steps forward.

Let us, as a government and as a multicultural nation that includes both Greek Cypriots and Turkish Cypriots, congratulate the leaders and the UN secretary general, Kofi Annan, for their persistence in bringing about the peaceful settlement.

[*Translation*]

SPECIAL OLYMPICS CANADA

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, from February 16 to 21, Prince Edward Island is hosting the Special Olympics Canada Winter Games. This national edition of the Special Olympics is a prelude to the Special Olympics World Games to be held next year.

Competing in an international event is the motivation for the more than 8,500 certified volunteer coaches and 28,000 athletes with an intellectual disability to train with all their might worldwide.

Before entering competition, the athletes take the following oath: "Let me win,but if I cannot win,let me be brave in the attempt". I think that my hon. colleagues will agree with me that this is a most noble statement, from which we could all draw inspiration.

I invite my colleagues to join me in saluting the courage and determination of these athletes.

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[*English*]

MIDDLE EAST

Hon. Art Eggleton (York Centre, Lib.): Mr. Speaker, I rise to respond to yesterday's statement by the member for London—Fanshawe condemning Israel for the construction of a security fence.

We have to remember the realities that have forced Israel to build this protective barrier. Israel has been targeted by an unprecedented campaign of terror that to date involves 136 suicide bombings, resulting in 925 fatalities and more than 6,100 people injured. The Palestinian Authority chooses not to stop this strategy of terror. This context is missing from the member's statement.

Moreover, the member's reference to concentration camps in the West Bank and Gaza is unacceptable. It makes a mockery out of the Holocaust.

Though not a measure of choice, the security fence is a measure of necessity. Where built to date, the presence of the fence has resulted in a 30% drop in suicide attacks.

This is not a land grab. This is a temporary security measure that could be undone once the Palestinian leadership lives up to its responsibilities. Simply put, no terror, no fence.

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● (1410)

VETERANS AFFAIRS

Mrs. Elsie Wayne (Saint John, CPC): Mr. Speaker, last week Canadians were shocked to learn that 175 veterans' graves were without headstones because of a lack of funding.

Families of eligible veterans were told that their loved ones would be laid to rest without a headstone and that their names would be added to a six year waiting list.

The problem is that the federal government has not ensured that the last post fund has the money it needs to ensure a timely distribution of these important memorials.

Since this story first broke I am pleased to report that Canadians have banded together to answer the call. A flood of public donations from families and schools have come in, allowing project managers to say that the backlog will be eliminated by the end of the summer.

The Minister of Veterans Affairs has said that he will not increase funding and that he is happy to let the public pay.

These brave veterans are national heroes and their memory is being dishonoured each and every day that their graves go unmarked.

Why will the government not do the right thing and act now?

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SPECIAL OLYMPICS CANADA

Hon. Shawn Murphy (Hillsborough, Lib.): Mr. Speaker, the Special Olympics, Canada Winter Games 2004, is being held this week in Prince Edward Island.

More than 1,000 participants, coaches, managers, mission staff and special guests are taking part in the games which are being held at various venues in Charlottetown and Brookvale, Prince Edward Island and Wentworth, Nova Scotia.

The primary role for Special Olympics Canada is to enrich the lives of Canadians with intellectual disability through sports.

Special Olympics is a not for profit agency with a strong community presence that provides opportunities for training and competition to thousands of athletes of all ages and abilities.

The organization also has an army of volunteers who give their time as trainers, officials and administrators.

I would ask the members of the House to join me in congratulating the event organizers, volunteers, participants and the host province of Prince Edward Island for the remarkable contribution to the quality of life of countless Special Olympic Canadian athletes.

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[*Translation*]

GASTON JACQUES

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, like many Quebeckers, Drummondville airman Gaston Jacques gave his life in defence of his country during World War II.

On May 22, 1944, he and his crewmates were shot down by the Germans.

His family was to never hear of him until a history buff, a woman from Ontario, set out to look for the family of Gaston Jacques.

Some 60 years later, the Jacques learned that their lost brother is buried in a Canadian cemetery in the Bretteville area, in France.

The Jacques family has also just learned that, next year, a memorial to the sacrifice of Gaston Jacques and his crewmates, who died to liberate France, will be erected on the site where Gaston's plane crashed, in Sées.

I therefore pay tribute to the memory of Gaston Jacques, a war hero from Drummondville.

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BLACK HISTORY MONTH

Mr. Robert Lanctôt (Châteauguay, Lib.): Mr. Speaker, I am very pleased to rise today to recognize Black History Month.

Afro-Canadians have contributed to the development of our country and have enabled Canada to become the country it is today —an open, diversified country with a global perspective.

Thus, the month of February is an opportunity to commemorate the numerous accomplishments and contributions these Canadians have made and continue to make to our society. In addition, it is an opportunity for all Canadians to learn more about the involvement and experiences of black Canadians in this society, because they play a vital role in our community.

For the past nine years—nine already—many activities have been organized across the country, and I invite everyone to participate. Being open to different cultures is an enriching experience for everyone who tries it.

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[*English*]

NATURAL RESOURCES

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, the federal government and British Columbia are moving toward lifting the 30 year old moratorium on west coast oil and gas.

Meanwhile, the federal environment minister is pre-emptively removing a huge area for potential oil and gas exploration and other resource development by creation of a marine protection area. The terms of reference he has set for his department is to present the final proposal for this area to cabinet by May.

The inadequate public consultation stakeholder process and analysis has been roundly condemned by rural coastal communities and first nations.

Why is it that the B.C. based environment minister can act contrary to the interests of British Columbia? Comprehensive planning for the B.C. coast requires co-operation, not unilateral action.

When will the Prime Minister or natural resources minister derail this fast-track idiocy?

* * *

● (1415)

COUNCIL OF PROFESSIONAL ENGINEERS

Mr. Andy Savoy (Tobique—Mactaquac, Lib.): Mr. Speaker, as a professional engineer I am very pleased to rise today to acknowledge the presence of the Canadian Council of Professional Engineers. CCPE is the national organization of the provincial and territorial bodies that license Canada's 160,000 professional engineers.

Engineering and CCPE, through its "From Consideration to Integration Project" is at the forefront among licensed professions to develop new frameworks that streamline foreign credential recognition, thereby integrating engineering graduates into licensed practice while preserving existing standards that serve public safety.

CCPE is also finding meaningful, holistic solutions for infrastructure renewal through its participation with other industry stakeholders to develop the Technology Road Map for Infrastructure Renewal.

With 2004 also being the 150th anniversary of the first engineering course in Canada, at UNB, it gives me great pride to acknowledge the contribution of Canada's engineers, CCPE, and its constituent members, who will continue to make Canada a true northern tiger.

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WOMEN'S ECONOMIC SUMMIT

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, this week women from across Canada were in Ottawa at an NDP economic summit, determined to get women's economic concerns onto this government's budget agenda.

After 20 years of Conservative and Liberal pork-barrelling and corporate handouts, they came here enraged that organizations advocating and providing vital services for women are struggling to survive while this government continues to cater to its corporate pals.

They were here to overcome ten years of Liberal budgetary neglect, broken child care promises, social program cuts, and the bypassing of achievable improvements to housing and job equality for a corporate wish list of tax cuts and debt reduction, dismayed that this government refuses to go all out to fix Canada's equality deficit as outlined by the UN.

It used to be that we had to hold bake sales to meet our needs. Now we find out that we should have been running communications companies.

When will this government stop marginalizing women's economic concerns and make them budget priorities?

* * *

[*Translation*]

SPONSORSHIP PROGRAM

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, while there are organizations in Quebec working with practically no resources to provide breakfasts to children living in poverty, this government used $250 million to plaster Quebec with Canadian flags, while being very careful to look after the generous donors to the Liberal Party.

While he was Minister of Finance and vice-president of the Treasury Board, the current Prime Minister did not lift a finger to halt this corruption. The same man, however, at the same time, did not hesitate to throw his weight into abandoning the ill, our educational institutions, and the less fortunate, by bleeding provincial transfers dry.

How can the Prime Minister claim that he never knew anything about this diddling with public funds, even though his party's policy chair wrote him a letter on February 2, 2002, informing him that persistent rumours of such activity were circulating.

There are two options: either the former finance minister knew everything and refuses to admit it, or he saw nothing, which indicates total incompetence. In either case, he does not deserve to be Prime Minister.

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[*English*]

LEARNING ENRICHMENT

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, on Thursday, December 18, 2003, the Honourable Gerard Kennedy, Ontario's Minister of Education, and city councillor Sylvia Watson joined me to officially launch the newest site for the Learning Enrichment Foundation Online Community Access Program Network. Located at the Masaryk-Cowan Community Centre in my riding of Parkdale—High Park, this project is funded by Industry Canada.

By becoming a member of the Learning Foundation Community Access Network, our community will gain access to jobs and local programs. In fact, this federal program has become a catalyst for community development activities across the country.

Parkdale—High Park is a vibrant and progressive community. Industry Canada's Community Access Program ensures that we have equitable access to the tools and resources that will strengthen our community. This is also a great example of two organizations, the Learning Enrichment Foundation and the Masaryk-Cowan Community Centre, working together to meet local needs.

I wish to take this opportunity to thank all three levels of government that are working with local people to solve local issues.

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RURAL CANADA

Mr. Rex Barnes (Gander—Grand Falls, CPC): Mr. Speaker, this is not a new government and it has no vision.

As a minister of this government, the Prime Minister has allowed $1 billion of taxpayers' money to be wasted through the HRDC department, $2 billion to be thrown away on a controversial gun registry program, and now, $250 million to be squandered through the sponsorship program.

All this while rural Canada suffers.

This may be his vision for Canada, but it is not the vision of the people of Gander—Grand Falls.

The weather station is important to Gander and coastal regions of Newfoundland and Labrador. Not only is this service vital but so are the jobs that will be lost. Why did this government permit the downgrading of this important service without an impact study?

As I said before in the House, is there a conflict of interest for the CEO of Pelmorex Communications, who is a member of the advisory board to the Meteorological Service of Canada, which owns and operates the broadcasting licence for the weather network?

ORAL QUESTION PERIOD

● (1420)

[*English*]

SPONSORSHIP PROGRAM

Mr. Grant Hill (Leader of the Opposition, CPC): Mr. Speaker, Rob Walsh, the parliamentary legal counsel, says that secret cabinet documents can be released only to the public accounts committee. That is the committee charged with looking at the Liberal sponsorship scandal. My question is for the Prime Minister. When it asks, will he release those secret cabinet documents?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the government is quite prepared to have those cabinet documents pertinent to this matter released.

Mr. Grant Hill (Leader of the Opposition, CPC): Notice the word "pertinent", Mr. Speaker.

A more specific question: will the documents—

Some hon. members: Oh, oh.

The Speaker: It is Wednesday, but perhaps we could get through a couple of questions before bedlam. The hon. Leader of the Opposition has the floor. We will want to hear the next question.

Mr. Grant Hill (Leader of the Opposition, CPC): Mr. Speaker, I guess it is very interesting who will determine what is pertinent.

To my specific question now. There was an ad hoc communications committee. On that committee: will those secret documents be released to the public accounts committee?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I am certainly prepared to enquire. The use of the word "pertinent" was that I thought there was a specific issue the member was directing himself to. If he would like, I will ask if we could have documents related to the first and the second world wars and the Korean war.

Mr. Grant Hill (Macleod, CPC): Mr. Speaker, I am certain that the Canadian public is going to be happy with an answer like that to the taxpayers' funding that they have taken away.

To another specific question. The Treasury Board minutes, those minutes that discussed this issue, will they be released when the public accounts committee asks for those minutes?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, as the hon. member knows, documents of this kind belong to the previous government and it is only up to the previous government to see if permission can be given.

We have sought that permission, which is why I was able to answer in the affirmative to the hon. member's question, and I am certainly prepared to seek that permission. As far as this government is concerned, we are prepared to be totally open, totally transparent, and to lay everything on the table that can be laid on it.

GOVERNMENT CONTRACTS

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, it is the same government, obviously.

In 1994, the Prime Minister's executive assistant sent a memo to officials stating that the then finance minister hoped a number of Liberal-friendly ad firms would be added to the government's list. Among them was Claude Boulay's Groupe Everest, the same firm named as a huge beneficiary of Liberal largesse by the Auditor General.

If the Prime Minister was willing to recommend Mr. Boulay's firm and give it a recommendation for its work in 1994, how can he possibly say he knew nothing of its shady actions 10 years later?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I would be delighted in fact to have that memo tabled. What it said was that it agreed with the suggestion from someone else and then went on to say that we wanted it all to be on a competitive basis, we wanted everything to be tendered, and there was a list of other companies that we, the government, wanted to see on that list. I would be quite happy to table that memo.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, we will be happy as well, but according to the Prime Minister's communications officer, Mario Laguë, no records were kept about decisions made at closed meetings on advertising decisions. How convenient.

While the Prime Minister's man Mario was in the thick of it, the Auditor General stated that the problems plaguing the sponsorship program touched the advertising contracts as well. Does the Prime Minister expect Canadians to believe that his special request for the addition of Groupe Everest was not politically motivated and that with all those connections to his office he was not aware of its actions until 2002?

● (1425)

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the Prime Minister has just answered the question with respect to his request that the process for choosing advertising companies be done on a competitive basis.

As we know, in the late 1990s, problems did occur with respect to the advertising and communications factors. Those have been reported on by the Auditor General. This government is taking every possible step to get to the bottom of it. But this does not go back to the 1994 suggestion and encouragement by the Prime Minister, then finance minister, that these be on a competitive basis.

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[*Translation*]

SPONSORSHIP PROGRAM

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Jean Carle said in court in 1998 that as soon as he arrived at the BDC from Prime Minister Jean Chrétien's office, the mandate given to him was to improve the visibility of the Government of Canada. To do so, Jean Carle acknowledges having met Chuck Guité and a number of ministers including Alfonso Gagliano, Marcel Massé, the member for Outremont and the current Minister of Industry.

How can the Prime Minister say he wants to get to the bottom of things when he has kept in his government a minister involved in the sponsorship scandal?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, first, the member's question alludes to the ruling by Justice Denis of the Superior Court in which he refers to the corporate identity program of the Government of Canada, which has nothing to do with the sponsorship issue.

Second, I do not recall these meetings.

Third, he quotes paragraphs 16.68 and 16.69 of the ruling but neglects to quote paragraph 16.90 in which the court finds that the witness has no credibility.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, anyone who says the BDC is not involved in the sponsorship scandal should read the Auditor General's report. BDC is one of the Crown corporations that was used as a smokescreen. It is linked to groups, Liberal cronies, receiving commissions.

I have the following question for the Prime Minister, who says he wants to clean up this mess. Did he check to make sure that none of his ministers was involved in the sponsorship scandal, or did he turn a blind eye to the involvement of some of his ministers, including the Minister of Industry?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, as part of the ministerial swearing in ceremony on December 12, the ministers were asked whether there was anything in their past that should be discussed with us.

Moreover, I have asked each and every one of my cabinet ministers whether they had any knowledge of inappropriate activity in the sponsorship issue. Rest assured that in each case, the answer was no.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, there is a little problem. Jean Carle, who was appointed by the PMO to improve Canada's visibility and managed to get the BDC mentioned in the Auditor General's report for its involvement in the sponsorship scandal, met with Messrs. Gagliano and Guité, the two main actors in the sponsorship saga, as well as the Minister of Industry and the member for Outremont.

Will the Prime Minister not agree that this represents a pretty superficial review, if one asks ministers whether they were aware of a certain thing, when here we are informed that the minister does not recall, and the member for Outremont has just told the press that he too remembers nothing? Amnesia has set in.

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, two totally different matters are being deliberately confused. There is the Quebec Superior Court ruling on Beaudoin and the BDC, particularly paragraphs 16.68 and 16.69. Jean Carle is speaking of the Canadian corporate identity program, and yes we do have such a program. This is perfectly normal, and nothing to do with sponsorships.

The witness says he has met with certain ministers. I say I have not met that individual. I wish to point out as well that the court stipulates that it does not find this witness to have any credibility.

● (1430)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Minister of Industry is referring to the second aspect of the sponsorship program. It is true that, overall, there was something like $1.25 billion for sponsorships, to the same ad agencies, for the government's corporate identity.

What we have trouble believing today is that the minister remembers so well how the programs operated, but suddenly does not remember that she discussed them with colleagues, that a meeting was held, that she intervened, and that as a result the BDC is today named as being involved in the sponsorship scandal.

What kind of selective amnesia is the government suffering from?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, it is clear that the member for Roberval has never been a member of government, and has never paid any attention to government programs. On the one hand we have the sponsorships, and on the other, the government corporate identity program, which applies to all government departments. What we want is for the public to perceive a department doing something as acting on behalf of the Government of Canada. That is the first thing.

Second, with respect to the sponsorships per se, the Auditor General's report indicates that the BDC was involved. This is why the President of the Treasury Board has personally met with the Auditor General and has even called in the BDC's board analyst to rectify what happened with the sponsorships.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Prime Minister, whom I would like to welcome back from his recent political road show. I am sure the Prime Minister never realized that his first disaster relief tour would be his own.

The Prime Minister says that things are getting better, but I can tell him that a lack of phone calls at the constituency office does not always mean anything. Sometimes silence is scarier.

Given that one of his senior advisors worked with Mr. Gagliano at one point, could he tell me who else is in his office that was imported from that office, presumably for their ability not to notice what was going on.

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, Mr. Laguë did not work for Mr. Gagliano. He was the secretary of the cabinet committee on communications. That is a cabinet committee.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I believe I said worked with Mr. Gagliano, not for.

The fact of the matter is that this is a person right in the Prime Minister's Office who should have known what was going on. The Prime Minister is telling us he has never had a conversation with this person who said he did not know that people were actually stealing money. He might have thought that maybe they were stealing money, but not actually.

I mean, how much more does the Prime Minister have to ask us to believe?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, one of the things that we all have to avoid in the House is deliberately setting out to destroy the reputation of any single person.

It is perfectly valid for the hon. member to pursue a line of questioning, but when he deliberately seeks, by association, to damage somebody else's reputation, a public servant who is not here in the House capable of defending himself, it really is despicable.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the Prime Minister seems to have had time to talk to everyone in the entire country about how he was clueless about the wagonloads of cash that were being shovelled into Liberal-friendly advertising agencies on his watch.

He has had time to run around doing everything except get a few straight answers from his own Quebec ministers. I invite the Prime Minister to remember that he himself implicated the Quebec ministers in this fiasco.

Why is he not busy getting the truth out of them?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I was very clear when I gave my answer. In fact, I asked all the ministers around the cabinet table, and I do not really think that we should be singling out Quebec ministers. The fact is that I asked all of the ministers, and all of the ministers said they had no knowledge of those activities.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, I can understand why the Prime Minister has a hard time getting his story straight. Now his story is that not only was he asleep at the switch, but every other Quebec cabinet kingpin was as well. They took absolutely no notice when a cool $100 million was diverted out of the federal treasury.

The Liberal Party must have been rolling in ill-gotten gains, yet Canadians are to swallow the fiction that Liberal cabinet ministers were not at the front of the line to divvy up the loot. Is it not true that the Prime Minister's real problem is the fact that he himself was one of those ministers?

● (1435)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, this kind of activity taking place within the political process is a breach of trust and nobody supports it. It has happened elsewhere in this country, unfortunately, and we must do everything possible to ensure that it does not happen again.

However, what is very despicable is when the hon. member singles out a province and then the rest of her colleagues stand up to applaud the fact that they are engaged in Quebec bashing. Let us not have any more of that here in the House of Commons.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, it was the Prime Minister who said that a very few Quebec ministers were involved.

The Prime Minister originally said that he was only aware of administrative errors in the sponsorship program. The truth is that the 2000 internal audit, cited so often by the government, actually outlined double billing and fraud.

The Prime Minister said he saw this report and was very familiar with it. My question is, why has he stayed so silent about incidents of fraud and double—

The Speaker: The hon. Minister of Public Works and Government Services.

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the 2000 internal audit identified a number of problems. The two deputy ministers, before and after, came before the public accounts committee to say there was no political influence on them. The audit only included managerial and administrative problems.

The action plan to that report was put on the Internet and indicated the steps that would be taken to overcome the managerial problems. If in the working papers in that audit there is an indication that may lead to some illegality, those are the very things that will be looked into in the various processes—

The Speaker: The hon. member for Medicine Hat.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, it is important that the Prime Minister address this issue because it goes to his credibility.

The Prime Minister has used that report to defend his statement that he thought this was only about administrative errors. Clearly, that report indicates many examples of actual fraud.

Does he consider the fraud that was revealed in that report to be only administrative errors?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the hon. member is using words such as fraud, which I do not believe were indicated in the background papers.

There were some inconsistencies in billing in the background papers and some questions about them. They led to the conclusion that there was a need to improve the administrative practices which were supported by the deputy ministers and reported on by them to the public accounts committee.

If indeed there are any corrupt practices that come to light, they will be brought before the various inquiries that are going ahead and the appropriate action will be taken, whether it is criminal, civil or administrative.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister says he did not know about the sponsorship scandal until May 2002.

Yet, his Minister of Public Works and Government Services told us that there was a comprehensive internal audit in the fall of 2000, but that in the fall of 2001, in the latter part of that year, they realized that there were more than just administrative problems, adding that, in January 2002, Alfonso Gagliano had to resign for these reasons.

Everyone knows that. Only the Prime Minister apparently did not know about it.

How does the Prime Minister explain the total contradiction between his version—that he knew nothing until May 2002—and that of his Minister of Public Works and Government Services?

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, in recent days, the past couple of weeks, the questions put directly to us by the Bloc Quebecois are intended specifically to either smear individuals' reputation or assume the findings of an independent inquiry.

Such behaviour is totally unacceptable. If they are serious about wanting to know what really happened, I suggest they wait, as we are doing, and trust the process in place.

● (1440)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there has to be limit in the end, because the Prime Minister is going all over the place telling people he is innocent. But when we put questions to him in the House, he is the democratic deficit incarnate. He will not answer.

If he is as transparent as he claims to be, I would ask him to answer our questions, instead of trying to hide behind the public inquiry. He says he is prepared to answer. Let him answer in this place.

Why is it that what his Minister of Public Works and Government Services said completely contradicts what he said?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, there is no contradiction. The hon. member can read what I said; I said that there were rumours at the start of 2002, that questions were raised in the House, and there was an article in the *Globe and Mail* on this issue.

On January 15, I think it was, a new minister was appointed. Later, the *Globe and Mail* published an article on Groupaction. Following that, the Auditor General's report and confirmed everything.

I have said repeatedly and everyone knows that questions were raised in the House and there were newspaper reports in the early part of 2002.

* * *

GOVERNMENT CONTRACTS

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, questions were asked in the House as early as of 2001, and a minister resigned in January 2002. It is very rare for a minister to resign on the strength of rumours.

However, I want to ask the Prime Minister a question, since he is in a position to answer and stated earlier that he was prepared to release cabinet documents. Yesterday, I asked this question, and I want to ask it again today.

Ten ministers in his government each paid $27,000, a total of $270,000, for a report worth $27,000. Yesterday, I asked the government: given this government's desire to be transparent, as it claims, could someone tell us which ten ministers paid—

The Speaker: The hon. President of the Treasury Board.

[*English*]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, it is true the government received an internal audit report which it hid on its website so everyone could see it. I would invite the member to read it and see what he would discern from that.

I might also point out that the Auditor General himself, because it was the previous Auditor General, when auditing the department's books did not discover what this member seems to have discovered. The fact is that the information that was available was relatively coached bureaucratese. It was done by somebody who was not sure what was going on.

I suspect that if the member opposite read that report, and I would invite him to do so, it would be interesting to see the conclusions that he would come to.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, when the Prime Minister does the rounds in Quebec, he swears to everyone that he is outraged, that he wants the truth to come out. Is this not a very basic test?

If the Prime Minister is telling the truth in Quebec, if he has information to the effect that ten ministers each purchased the same report, I ask the government, and this Prime Minister, who says that he want to be transparent, who are those ministers? It is not complicated.

[*English*]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, it is really easy for the opposition to come into the House and slander staff and slander, through innuendo, other members of the House, trying to create an atmosphere of distrust. I would ask him to put a single fact on the table that proves his allegation.

Let me tell the House what somebody else thinks about the Prime Minister. This is from today's *Globe and Mail*. It states:

> ...Prime Minister Paul Martin deserves more credit than the polls are giving him.

The Speaker: I remind hon. members that we have to use titles and not read something with names in it. Unfortunately, those are the rules that I am bound to enforce.

The hon. member for Port Moody—Coquitlam—Port Coquitlam.

SPONSORSHIP PROGRAM

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, before this scandal can be properly cleaned up, the scandal has to stop.

Media/IDA Vision, which is a subsidiary of Groupe Everest, the Groupe Everest of scandals past, is the same firm that was mentioned in the Auditor General's report.

The Prime Minister received the Auditor General's report on December 12 of last year when he assumed the role of Prime Minister of Canada. After he became Prime Minister, he gave Groupe Everest a $500,000 contract, the very company that is still listed as the official company of record for the government.

The scandal is continuing. It is getting $500,000. When is the scandal going to stop?

● (1445)

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, if the hon. member is referring to an advertising contract awarded after competitive bids, without a commission being paid, through the reformed method that was put in place by my predecessor as minister of public works, then that was a highly competitive process that was transparent and there is accountability behind it.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, it hardly fixes the problem to give a contract to the very firm that has been involved in these very scandals that we are dealing with right now.

The company, Groupe Everest, is the very same company that has given $77,000 back to the Liberal Party of Canada. It has been given $500,000 in contracts.

The Auditor General's report is supposed to help clean this stuff up. The Prime Minister received the AG's report on December 12. After that, he gave Groupe Everest $500,000. This company, in the past, has kicked back $77,000 to the Liberal Party.

How in the world is anybody supposed to believe that the Prime Minister is cleaning up the mess when he continues to do it?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, if the hon. member has any single bit of evidence to suggest that this company that he is citing won a competitive process and did not earn or did not properly perform that contract, he should bring it before the public accounts committee and the public inquiry, and let us get to the bottom of it.

Just raising the name of a company in the House and ascribing corrupt motives to it is not an appropriate way to—

The Speaker: The hon. member for Calgary Southeast.

[*Translation*]

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, it is quite clear today that the Minister of Canadian Heritage was involved in the sponsorship scandal. She managed projects that received subsidies from Groupaction for Public Works. But like her boss, she says that she knew nothing about this scandal.

If the Prime Minister, who sent out the cheques, did not know, and if the person who received the cheques, the current Minister of Canadian Heritage, did not know, who exactly in the Liberal Party did know?

[*English*]

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the minister of heritage was a private citizen in 2000 when, as a representative of a non-governmental association, she applied to the Department of Public Works and Government Services on behalf of this group for a sponsorship grant for the World Ski Championship. She sought and obtained this grant through public works that ran the sponsorship program.

Groupaction was assigned as the communications agency by the Department of Public Works and Government Services. It has nothing to do with the minister of heritage who was a private citizen—

The Speaker: The hon. member for Calgary Southeast.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, it had everything to do with that minister who worked with Groupaction when it was taking money from the taxpayer that did not belong to it. In fact the project she was working on received a subsidy without even applying for it.

My question is for the Prime Minister. Why is he allowing ministers to sit in his cabinet who were involved in the sponsorship scandal themselves?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, if I understand the question, when a private citizen is involved in trying to get some support for an organization in their area, that is wrong.

When the member for Calgary Southeast received $115,000 from the sponsorship program—

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Glengarry—Prescott—Russell has a question.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, my question is addressed to the Minister responsible for Official Languages.

[*English*]

The Speaker: Order, please. Once again I remind hon. members that there is a lobby out of the far end of the chamber where if members wish to carry on conversations, it is a great place for that and possibly in hearing of the media. We have before us now a question from the hon. member for Glengarry—Prescott—Russell who has the floor.

● (1450)

[*Translation*]

Hon. Don Boudria: Mr. Speaker, my question is addressed to the minister responsible for the action plan for official languages. In the context of the review of the action plan for official languages, the Commissioner of Official Languages, testifying before the parliamentary committee, told us that the review must not become a pretext for relenting on programs related to official languages.

What steps is the minister prepared to take to assure the House today that the Official Languages Act will be strengthened, not weakened?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I would like to thank the hon. member for his excellent and timely question. Today at noon, in fact, I had lunch with the ministers responsible for each of the parts of the action plan for official languages.

I noted that the ministers around the table were very enthusiastic and committed to promoting the action plan in favour of the linguistic communities in this country. I saw that they wanted to keep their sights on the action plan as a priority over the next five years.

As the House is aware, the Minister of Finance recently announced in Regina that he fully intends to honour the $751 million commitment.

* * *

[*English*]

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of National Defence. New Democrats will not be fooled or bullied by a fan of the Iraqi war waving a piece of paper proclaiming "No space weapons in our time". The fact is his letter to the U.S. defense secretary said not a single word about the government's supposed objection to space weaponization.

If missile defence is not on course to weaponized space, why is the U.S. Missile Defense Agency budgeting $3.3 billion for 304 space-based missile interceptors?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the facts of the hon. member's question are totally out of whack with the reality, as the debate in the House last night demonstrated.

In so far as the government is concerned, she has been attacking us for the fact that the defence minister did not mention the weaponization of space in one single letter to the defense secretary of the United States when we have voted on this in the United Nations and when we have raised this continually in every single international disarmament organization of which we are a member.

The member knows full well that Canada is on the record as being against the weaponization of space. The United States of America knows it, and every member of the House too.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, last night in the House Liberals and Conservatives accused the NDP of star wars scaremongering. It is not scaremongering, it is just plain scary, especially with proposals for equipping those missiles with nuclear tips. This is the weaponization of space.

If the minister thinks Canadians will shut up about it, he is dead wrong. When Canadians do not trust a word that scandal-ridden Liberals say these days, why would they not think the government is lying about star wars?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the reason why Canadian citizens do not think that the government is lying about star wars is that the Canadian people are wise enough and smart enough to see behind the rhetoric and know the facts.

There is no star wars. We are not engaged in discussion with the United States about star wars. As the debate in the House last night revealed very clearly, and most members of the House understand that, we are discussing and only discussing with our American colleagues the possibility of a missile defence system, land and sea based, for North America which might eventually be of benefit to Canadians.

Let us pursue—

The Speaker: The hon. member for Dewdney—Alouette.

* * *

GOVERNMENT CONTRACTS

Mr. Grant McNally (Dewdney—Alouette, CPC): Mr. Speaker, the 2000 internal audit alleges fraud and double-dipping, but the Prime Minister simply minimizes that by calling it administrative errors.

He said that he only heard rumours of the wrongdoing at the time and did not feel the need to look into it. He did not speak to the prime minister or the minister in charge. He did not even give it a passing thought. However, he was finance minister of the day and he was responsible for Canadians' hard earned tax dollars.

How does the Prime Minister expect us to believe that he is as mad as hell now and when he first heard the word "fraud" he did absolutely nothing?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, what I would invite the member to do, as a great many of the journalists and columnists have done, is to go to the website, download the report, read it and see what he finds in that.

I think he will find what some of the, shall I say, more thoughtful columnists from western Canada have found. Don Martin said:

> —I don't buy the notion Martin knew about any criminal wrongdoing ahead of the Auditor-General's report or that he will ever be directly implicated in the scandal.

He had read the audit. Why does the hon. member not read it?

● (1455)

Mr. Grant McNally (Dewdney—Alouette, CPC): Mr. Speaker, we will find allegations of fraud in that report, and perhaps he should read it again. The Prime Minister should have been outraged four years ago, but he is only pretending to be outraged now that he is in hot water.

He should have talked to Mr. Chrétien and to Mr. Gagliano. He should have considered whether an RCMP investigation needed to happen. He should have done anything but turn a blind eye to what was going on all around him.

Now there is nowhere left to turn. It is his problem and Canadians want to know why he did nothing.

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the government did a great deal when the first indications of problems with the sponsorship program arose. Following an internal audit and further questions arising in 2001, the minister was removed and replaced by another minister.

Referrals were made of the Groupaction case to the Auditor General. Further administrative reviews, independent forensic audits and referrals to the RCMP by both the Auditor General and the government, all these things were happening as more information became available, finishing with the killing of the sponsorship program—

The Speaker: The hon. member for Crowfoot.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, for a week now the Prime Minister has tried to convince Canadians that he acted immediately upon hearing of the Auditor General's report.

The question remains however, why did he not act when this scandalous affair first came to light in 1997? Why did he not, at the very least, express the same outrage in 1997 or even ensuing years, as he attempted to show last week?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I am not quite sure when in 1997, but I think the member is referring to a period before the program was created.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, does the Prime Minister really expect Canadians to believe that, when everyone else knew about the kickbacks, he was unaware of what was happening? He, the senior minister from Quebec, knew nothing, saw nothing and asked no questions.

Why did this senior minister at that time ask no questions?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, when the questions were raised and revealed in the interim audit prepared in the year 2000, that same report they refer to made a series of findings. There were 37 administrative changes. Those administrative changes were made.

There was a subsequent involvement in it which confirmed that those were the right changes. Then in the year 2002, the deputy minister of public works, in referring to that very internal audit, said that there was no evidence of any criminal activity, it was all administrative. Besides that, it was all in the hands of the Auditor General who accepted it.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, earlier, the President of the Treasury Board asked me to give him a single fact.

Chapter 5, page 7, paragraph 5.31 of the Auditor General's report states:

> A core subscription to "Rethinking Government", for example, costs about $27,000. We noted that 10 copies were purchased by departments in 2002-03 at a total cost of $270,000.

Since this is taxpayers' money, I would ask him this nicely: which ten ministers—

The Speaker: The hon. Minister of Public Works and Government Services.

[*English*]

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the issue raised by the Auditor General was one of efficiency, that different departments should not be separately subscribing to syndicated public opinion research reports. That is something of efficiency that has been a useful recommendation, which the government has accepted.

If the hon. member wants to know the departments that individually subscribed to the same syndicated report, I will certainly supply that, but that was not the issue. It was not identifying the department. I will get the names for the member. However, the issue was one of efficiency, not of impropriety of any one of the departments.

● (1500)

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister came to Quebec to say, "I will do my best to be transparent". He came to say that. He told people, "Believe me, I want the truth to come out".

For three days now, we have been asking which ten ministers each paid for the same report for a total of $270,000. We are not getting an answer.

Is the way they handle a request for a minor piece of information indicative of what goes on with sponsorships?

[*English*]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, when the member asks the question, he might want to listen to the answer, just for a little bit. The Auditor General in her report, the famous report, says:

> In a large organization like the federal government, there are bound to be problems and failures, despite best efforts

The minister stood up and said that the Auditor General had said that a number of departments were buying the same report, and this was foolish. The minister said, "I agree". We changed the program. We stopped it from happening, and if you want the list of names, he will give them to you.

The Speaker: I hope the President of the Treasury Board was quoting the minister in saying, "you". I would urge all hon. members to please address their remarks through the Chair, as required by the rules. The hon. member for Okanagan—Coquihalla.

FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, one of the Prime Minister's major planks was to restore Canada's visibility in the world. He has chosen a very interesting way to do it.

Headlines like these around the globe have screamed out the news this week. A headline in the *New York Times* said, "Scandal Haunts Canadian Leader". Headline in the *Washington Post* said, "Canada's Prime Minister Acts to Counter Scandal". *Taipei Times* headline said, "Kickback Scandal Grips Canada". The *Korean Daily* said, "Corruption Raises Ugly Head". BBC News said, "Ottawa 'mishandled' public funds". BBC News said, "Ottawa 'damaged by funds scandal".

Is this the Prime Minister's way to win our international reputation?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the reputation of Canada is enhanced by the way in which this Prime Minister frankly has stepped forward. Every country on this globe has its problems of governance. Each is judged by the way it handles it, and this government is handling it with transparency, openness and frankness by the Prime Minister and are—

The Speaker: The hon. member for Okanagan—Coquihalla.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): I was not looking for a Howard Dean scream, Mr. Speaker, just a response.

The Liberal image of scandal is embarrassing and it is costly. Wesley Cragg of Transparency International, which is the watchdog group which monitors government corruption and transparency said that the growing perception of high level corruption will cause some international investors to park their capital elsewhere.

Will the Prime Minister admit that these Liberal scandals have hurt our international reputation, investment and possibly jobs?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, there is no doubt that this is an issue which nobody wishes had arisen, but the fact is it is the way in which it is dealt with that demonstrates the strength of a country's democracy.

The fact is that we are dealing with this in an open and transparent way. We are leaving no stone unturned. Those who perpetrated whatever these acts were will be brought to justice.

We are dealing with this the way that a democracy ought to deal with it.

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CAPE BRETON DEVELOPMENT CORPORATION

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, in the late fall of 2002 it was determined by an independent actuary that the Cape Breton Development Corporation held surplus funds in both the contributory and non-contributory pension plans. In claiming rights to these funds, the corporation filed court proceedings which were later dismissed by the Office of the Superintendent of Financial Institutions.

The pensioners and widows of former coal miners who contributed to these surplus funds through the acceptance of contract concessions and wage scales far below industry standards are entitled to be fairly compensated in this case.

Could the Minister of Natural Resources tell the House when these good people can expect a resolution to their case?

● (1505)

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, I want to thank the hon. member for the question and for the work that he and his colleague from Sydney—Victoria have done on this file.

We would like to see this in a timely fashion. In 2003 the Superintendent of Financial Institutions directed Devco to appoint an arbitrator. That process is in place now and we hope to see a settlement in the very near future.

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AGRICULTURE

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, the BSE crisis has put our agriculture industry on the brink of disaster.

In Saskatchewan net farm income is down 177%. Imagine the Liberal action we would see if that party fell that fast and hard in the polls.

While the Prime Minister busies himself with scandal, the agriculture industry is sinking. Where do the farmers turn? Why does the Prime Minister have time and money for his Liberal friends but nothing for our struggling farmers?

Hon. Bob Speller (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I appreciate a question on agriculture in the House today. It highlights the importance of the desperate situation being faced by many farmers and farm families across this country.

The Government of Canada has responded. We responded in terms of BSE. We have also brought in a new program, CAISP, that will help farmers in the future deal with their farm income situation.

The Government of Canada clearly recognizes the trouble in agriculture today and we are working to resolve it.

The Speaker: The right hon. Prime Minister on a point of order.

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POINTS OF ORDER

ORAL QUESTION PERIOD

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, earlier in question period I was asked by the Leader of the Opposition if the pertinent cabinet documents could be made available. I said yes. He then followed up with a request that the pertinent Treasury Board documents, and I believe the communications committee documents, be made available.

I am glad to confirm that they will.

TABLING OF DOCUMENT

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, earlier in question period I asked the Prime Minister about a document, an internal memo that came from his office in 1994 that pertained to retail debt strategy. The Prime Minister indicated at that time that he had no difficulty with that document being tabled. I have a copy of that and I would like to table it with the House today.

The Speaker: Does the hon. member have the unanimous consent of the House to table the document?

Some hon. members: Agreed.

ORAL QUESTION PERIOD

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, during question period, the President of the Treasury Board said, and I quote, and I believe the blues will confirm this: "The member for Calgary Southeast received $150,000 from the federal sponsorship program". Clearly, this is completely untrue. It impugns my character and, I believe, my privilege.

I therefore request that the President of the Treasury Board retract this inaccurate remark.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the allegation from that side of the House was that a member on this side of the House, as a private citizen, when seeking funds on behalf of a community organization, was somehow engaged in a corrupt act.

There was $115,000 given to the organization in the hon. member's riding, not to the hon. member, I said in his riding. It was given two years in a row.

The Speaker: Clearly there is a dispute here. I think what the Chair will do is review the blues with respect to the matter and if necessary, I will hear further from the hon. members. I think we are getting into an argument and clearly, the member for Calgary Southeast says the minister said one thing in his question. I will look at the blues and see if he said that. Then we will look at the comments that have been made and if I need to hear further from the hon. member, I will.

TABLING OF DOCUMENT

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, on a separate point of order, the President of the Treasury Board has twice cited from a document in the House. I believe he is therefore required by convention to table the document from which he has cited.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, if I may, I would like to deal seriously with one piece of this. We will check the tape. If I said on the record that the member received the money personally, I will withdraw that. That was never my intention and I would apologize to the member if that is in fact what I said.

However, as far as tabling the document goes, absolutely, I will make copies for everyone.

● (1510)

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, just a moment ago, the President of the Treasury Board said he would table a document from which he quoted twice to the agreement of everyone. Then he said he would make copies.

He should table the document now, not pass copies around afterward. We do not know whether we will get the true document or not.

The Speaker: The hon. member will be able to weigh all that in due course.

The difficulty is that documents to be tabled by ministers in the House must be in bilingual format. He may have had to check to make sure it was, or get another copy before it was done so that it was tabled in conformity with our rules.

I am sure the minister will take note of the hon. member's comments. I am sure he will quickly become convinced of the necessity, if he was not already, of having the document in both official languages before he tables it. I made the assumption he did not table on the spot because he did not have the necessary document to do that.

I am sure the member's point will be taken and we will hear about the matter in due course. I am sure the Chair will be notified when the document has been tabled, as will the hon. member, because it sounds as though he is going to get a copy from the minister directly.

However, I do not think it is reasonable to expect the minister to have with him when he stands up and reads from some document, the necessary bilingual copies of the document that are required by our rules before a minister can table it.

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, a document that we just tabled was accepted and it was not translated. Why would there be a difference?

The Speaker: There is a double standard in that ministers tabling documents in the House must table them in a bilingual format. There is no such a requirement when the House gives its consent to a member of the opposition to do the same thing.

An hon. member: Mr. Speaker, you must have read the rule book.

The Speaker: I get an earful regularly from the Clerk.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, perhaps as a point of clarification, the issue here is one of the veracity of the document itself.

My colleague from St. John's is referring to the fact that the minister was quoting directly from a document which he then gave his undertaking he would table with the House. If he is permitted to leave the chamber and make copies, there is no telling what the copy that will be tabled with the House will then contain.

It is very much an issue of the veracity of the originality of the document.

[*Translation*]

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think that there is a rule in this House by which MPs are to be trusted, considered to be telling the truth and behaving decently. The member who just spoke is insinuating the contrary.

Mr. Speaker, I invite you to resolve this issue of excessive questioning of individual behaviour.

● (1515)

[*English*]

The Speaker: I draw the attention of hon. members to Standing Order 32(4):

> Any document distributed in the House or laid before the House pursuant to sections (1) or (2) of this Standing Order shall be in both official languages.

Subsection (2), which is the relevant one, states:

> A Minister of the Crown, or a Parliamentary Secretary acting on behalf of a Minister, may, in his or her place in the House, state that he or she proposes to lay upon the Table of the House, any report or other paper dealing with a matter coming within the administrative responsibilities of the government, and, thereupon, the same shall be deemed for all purposes to have been laid before the House.

To comply with subsection (2), the document must be in both official languages.

The hon. member, I am sure, will be able to ask the minister questions when the document is tabled as to whether it is the same one he was quoting from or whether he quoted from the English only version or possibly the French only version. I have no idea.

In order to comply with the Standing Orders the minister must table both. I do not know why the minister did not table it on the spot. My guess was he did not because it was not in both official languages and he could not comply with the Standing Order.

As I have said, the hon. member will have ample opportunity to question him on the matter if he has any doubt that the document that was tabled was in fact different from the one that he was quoting from. I am certain the minister will be prepared to answer questions in that regard to the satisfaction of the hon. member for Pictou—Antigonish—Guysborough, the hon. member for St. John's West, and all other hon. members.

Mr. John Cummins (Delta—South Richmond, CPC): Mr. Speaker, a point of clarification on that matter that you read from. It states "a paper dealing with a matter coming from within the administrative responsibilities of the government". It would seem to me that may have to do with a bill or a ministerial report. The matter referred to here is a matter which was raised in question period. It does not necessarily deal with an administrative matter before the government.

The Speaker: My recollection was that the quote had something to do with a grant from a government program. I think it fell within the administrative responsibility of the government, with all due respect to the hon. member.

Mr. Loyola Hearn: Mr. Speaker, first, the document concerned was a list of funding provided through the sponsorship program. It would be that any documents that are distributed such as that are already in two languages.

Second, because of the sensitivity of the programs that were sponsored that would be on that list, we have major concerns that the original document would be allowed to be taken out of this place to be perhaps tampered with before we see the other version. This is a very dangerous precedent.

Hon. Mauril Bélanger: Mr. Speaker, this is the second time in the space of a few minutes that a member of the opposition is casting aspersions as to the honesty of members in terms of the tabling of documents.

It is with impunity that we are treating the reputation of hon. members. An hon. member who will table a document will table the document that he was quoting from. Unless those people will say on a regular basis that no member in the House is to be trusted any more, we had better get on with this. This is a rather unacceptable line of points of order.

Mr. John Cummins: Sit down.

Hon. Mauril Bélanger: I have the right to speak here as much as those members do.

The Speaker: I think we will wait and see what document comes from the minister. In my view it is not uncommon for this kind of thing to happen, that the minister leaves and tables a document later. I have certainly witnessed it many times in my experience in the House. I do not see anything improper in what has transpired at this point.

The hon. member for Halifax.

● (1520)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I rise on a point of order arising out of the debate last evening and a commitment by the member for Okanagan—Coquihalla, after having been asked to do so last evening, to table in the House today the specific poll that he claimed made it clear that seven out of ten Canadians support Canadian participation in some type of missile defence.

He cited a specific poll. When asked about the poll he indicated that it was in fact a Michael Marzolini Pollara survey in which a question was put to Canadians about whether they supported the notion of Canada being involved and participating in missile defence. He indicated that it was available and that he would be tabling it today. I think it is very important that he do so, and I do not believe he followed through on that commitment today.

The Speaker: I am sure the hon. member for Okanagan—Coquihalla will be very pleased to hear from the hon. member for Halifax in this regard and will want to take note of the concerns she has expressed and deal with the matter at an early time. I am sure the hon. member for Halifax will convey to the hon. member for Okanagan—Coquihalla by another means her point of order that was raised in the House today and her anxiety that the commitment made last evening be fulfilled at the earliest possible time.

* * *

[*Translation*]

BUSINESS OF THE HOUSE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, having consulted the other parties, I would like to ask for unanimous consent.

Given that the Bloc Quebecois opposition day is on the Monday after the break, and that it cannot be rescheduled because of an official visit in this House and a number of other factors under the Standing Orders, I would have to table the subject of the day 10 days in advance, which is somewhat excessive.

I received consent from all the parties to table the subject of our motion at the end of the day Thursday of the break week. Although the House is not sitting that week, the other parties will nonetheless be aware of the subject we will be discussing on the Monday. I believe we have unanimous consent for that.

The Speaker: Is there unanimous consent of the House to grant the request of the hon. member for Roberval?

Some hon. members: Agreed.

[*English*]

It is my duty, pursuant to Standing Order 81(14), to inform the House that the motion to be considered tomorrow during the consideration of the business of supply is as follows:

[*Translation*]

> That, in the opinion of this House, the government should oppose the proposed American antimissile defence shield and, therefore, cease all discussions with the Bush administration on possible Canadian participation.

The motion standing in the name of the hon. member for Saint-Jean, will be votable.

[*English*]

Copies of the motion are available at the table.

ROUTINE PROCEEDINGS

[*Translation*]

PETITIONS

GENETICALLY MODIFIED WHEAT

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, I am pleased today to present a petition with 6,665 names, asking Parliament to immediately ban the dissemination of genetically engineered wheat into the environment, the trade in such wheat, and the use of genetically engineered wheat in field tests.

It is already known that Monsanto has submitted a request for approval of its Roundup Ready wheat. This submission is now being reviewed by the Canadian Food Inspection Agency. Here are 6,665 individuals who want to let Parliament know that they are opposed to the approval of genetically modified wheat.

● (1525)

[*English*]

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, on the same subject, I too have the pleasure of introducing petitions signed by 7,097 people from across the country who are concerned about the Monsanto Corporation of St. Louis having filed application with the Canadian government on genetically engineered wheat.

The petitioners note that a majority of Canada's wheat exports would be affected if such a dramatic change were made and call upon Parliament to immediately institute a ban on the environmental or commercial release of genetically engineered wheat and the use of genetically engineered wheat in open field trials.

MARRIAGE

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I have two petitions to table in the House today, both on the issue of same sex marriage and that it is now being considered by the court and by Parliament.

The first one has been signed by approximately 100 people. They refer to the fact that in 1999 the House passed a resolution that defined marriage as a union between one woman and one man to the exclusion of all others. They ask Parliament to pass legislation to make sure that it stays that way.

The second petition, which has been signed by approximately 200 people, is a petition on same sex marriage. It talks about the necessity of having same sex marriage in order to protect the quality, the dignity and the respect of all Canadians in terms of the fundamental equality.

The petitioners are calling upon Parliament to pass a bill that would provide legality for same sex couples to marry equal to those of heterosexual couples.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, CPC): Mr. Speaker, I have a petition signed by constituents of my riding of Kamloops, Thompson and Highland Valleys.

The petitioners call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I have two petitions on the same matter from people in my constituency and the rest of the Island of Montreal.

The petitioners want to draw the attention of the House to the following: that members of the House of Commons affirmed on June 8, 1999, by vote of 216 to 55, 'That in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and Parliament will take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada'; and that marriage is an institution which pre-exists the state because it is based on profound human need for having children and continuing the family from generation to generation; and that marriage is a unique social institution which provides a supportive relationship between a woman and a man in which, together, they create the most successful environment for the rearing of children; and that marriage is an institution so basic to the human condition and the common good that its nature is beyond the reach of civil law to change.

The petitioners call upon Parliament to take all necessary means to maintain and support the above definition of marriage in Canada.

QUESTIONS ON THE ORDER PAPER

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all Notices of Motions for the Production of Papers be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1530)

[*English*]

CANADA ELECTIONS ACT

(Bill C-3. On the Order: Government Orders)

February 18, 2004—the Leader of the Government in the House of Commons and Minister responsible for Democratic Reform—Second reading and reference to the Standing Committee on Procedure and House Affairs of Bill C-3, an act to amend the Canada Elections Act and the Income Tax Act.

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.) moved:

> That Bill C-3, an act to amend the Canada Elections Act and the Income Tax Act, be referred forthwith to the Standing Committee on Procedure and House Affairs.

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, discussions have taken place between all parties and I believe that if you were to seek it you would find consent that when the question is put later today on the motion to refer Bill C-3 to committee before second reading, that the motion be deemed carried on division.

The Speaker: Is there unanimous consent?

Some hon. members: Agreed.

[*Translation*]

Hon. Jacques Saada: Mr. Speaker, I have the pleasure of opening this debate on referral of Bill C-3, an act to amend the Canada Elections Act and the Income Tax Act, to a committee before second reading.

As hon. members are aware, the Supreme Court of Canada handed down its ruling in the Figueroa case last June, thereby throwing into question some of the key aspects of the Canada Elections Act relating to the registration of political parties.

Moreover, the court suspended application of its decision for one year, that is until June 27, 2004. Bill C-3 represents the government's proposed response to the immediate consequences of the Figueroa ruling.

This bill does not, however, necessarily constitute a permanent solution. The Figueroa ruling is highly complex, and a more thorough study of its impact is required. This is why I have written to the Standing Committee on Procedure and House Affairs to encourage a broader examination of the Canada Elections Act.

I have asked the committee, moreover, to present all of its recommendations in the form of a draft bill, within a year's time. This is a concrete example of application of our democratic reform.

[*English*]

Bill C-3 is a very slightly modified version of Bill C-51 which was introduced in the last session of Parliament. It is imperative to reintroduce the bill in order to respond to the Supreme Court ruling within the timeframe provided by the court.

[*Translation*]

I will summarize the findings in Figueroa if I may, and then will set out the main thrust of Bill C-3.

In the Figueroa case, the Supreme Court declared that the 50 candidate rule for party registration was unconstitutional. It concluded that the 50 candidate rule as a condition for access to these benefits was incompatible with the right to vote, which is guaranteed under section 3 of the Charter.

In the court's view, the rule's impact on small parties infringed the right to meaningful participation in the electoral process. The court also ruled that this restriction on section 3 rights could not be justified under section 1 of the charter.

However, the court suspended the effect of its ruling until June 27, 2004. In other words, if no changes are made to the law before that date, the 50 candidate rule will cease to apply. This will leave a major void in the law if nothing else is put in to replace it.

As a result, any group whatsoever could readily register as a political party and take advantage of the tax benefits designed for real political parties.

This is the reason we must take action to ensure that the Canada Elections Act remains in effect after June 27, 2004.

[*English*]

Removing the 50 candidate threshold may result in a great number of groups calling themselves parties seeking registration simply to issue tax credits and access other benefits. Not only is this objectionable as a matter of principle, but it could well have a considerable fiscal impact. We need to address this concern in order to ensure that our fiscal regime is not vulnerable to abuse.

Not legislating to comply with the court's decision could well mean that further recourse to the courts will be necessary.

First, the government would likely have to apply to the Supreme Court to request an extension of the suspension period beyond the June 27, 2004 deadline. There is no guarantee this extension would be granted.

Alternatively, the courts may have to provide guidance to the Chief Electoral Officer on the applicable rules from that date forward.

In any event, the absence of a timely legislative response would create uncertainty as to the rules for party registration.

It is therefore incumbent upon us to do everything possible to protect the integrity of the electoral system.

The bill consists of two key pillars: party registration and accountability provisions, as well as a series of anti-abuse measures.

● (1535)

[*Translation*]

Based on the Supreme Court decision eliminating the 50-candidate threshold, Bill C-3 will now require parties to endorse at least one candidate. The bill also adds new registration requirements and other measures to ensure that parties seeking to register are legitimate parties.

For the first time, the bill adds a definition of “political party”. For example, one of the main purposes of a party should be to participate in public affairs by endorsing and supporting at least one of its members as a candidate.

Second, each party must have a minimum of 250 members, up from 100, and 250 members shall be required to sign declarations stating that they are members of the party and that they support its registration. Three party officers, in addition to the party leader, shall provide their signed consent to act.

From now on, the parties will be able to register during by-elections. Naturally, if one party does not put forward at least one candidate during a general election, that party will be automatically de-registered.

[*English*]

The second key pillar of the proposed legislation is a series of anti-abuse measures directed toward screening out fraudulent parties and protecting the integrity of the electoral financing regime.

For instance, the bill includes a new false statement offence for knowingly making false statements in relation to the registration of a party. Parties would be forbidden to solicit or receive contributions simply for the purpose of redirecting them to a related third party entity.

In addition to potential de-registration of parties, party officers could be held civilly liable if convicted of offences related to or leading to financial abuses and they could be ordered to make restitution to the public purse.

The bill would increase the powers of the Commissioner of Elections Canada to ensure enforcement and compliance under the act.

[*Translation*]

I would also like to briefly mention two technical amendments to the bill.

First, we eliminated a reference to January 1, 2004, and changed the date the bill comes into force, given the June 27, 2004, deadline.

Second, we are making a minor amendment to ensure that party officers can continue to act while an application for voluntary de-registration is pending.

[*English*]

As I mentioned earlier, it is incumbent upon us to study the broader impacts of the federal decision. For example, is the ruling likely to affect other benefits in the Canada Elections Act such as party and candidate reimbursements or the allocation of broadcasting time?

[*Translation*]

Finally, I would like to address the timeframe and the date on which the bill would come into force. Normally, amendments to the Canada Elections Act come into force six months after Royal Assent is given, or earlier if the chief electoral officer publishes the bill along with a notice to the effect that all the necessary preparations have been completed.

However, given the Supreme Court deadline, the bill would come into force on June 27, 2004, rather than after the standard six-month waiting period, unless the chief electoral officer announces it is ready earlier.

Furthermore, there is a six-month transition period for currently registered parties.

[*English*]

There has been a solid tradition of all parties working together on electoral legislation. I know that the work that will be done on this legislation will be no exception.

While we have to move quickly to address the Supreme Court's ruling, the government recognizes that the work of the committee is essential. That is why the bill and the request for the committee to undertake a broader review go hand in hand.

● (1540)

Mr. Deepak Obhrai (Calgary East, CPC): Madam Speaker, first let me congratulate you on taking on the position of Assistant Deputy Chair.

When we first debated this bill in the House, this party, the former Canadian Alliance, expressed surprise that the government, despite all its resources of lawyers and bureaucrats, attempted to go through the process of changing the 50 party rule. Everybody here knew that it would not pass through the Supreme Court of Canada. We all understood that.

We are still baffled as to why a government, with such resources, would try to ram through such legislation. This is a democracy and political parties are the essence of a democracy. One would think that the government would allow a wide open area where people could, through their political parties, express whatever points of view they had. That is the essence of democracy; however, to bring in this 50 party rule is muzzling dissident opinion.

We pointed this out on many occasions. The member from Vancouver who studied this bill at length with other party members and even our former party, the PC Party, came up with the 12 person rule. This is a more reasonable figure. It allows for the concerns that the government House leader just expressed about the fraudulent use of special interest groups trying to take advantage of the bill that his government introduced recently.

A 12 person rule would have been sufficient. I am sure that if this proposal had gone to the Supreme Court of Canada, it would have agreed to the 12 person rule. Now the government has received a big slap on the hands and it is one person rule. The government is now scrambling and running to do damage control.

It is interesting to hear the government House leader say that it will return to the Supreme Court for an extension of this June 2004 rule. I do not understand that. We have debated this in the House. It is going to the committee and there is no need for an extension. The Supreme Court of Canada has already ruled, so let us go ahead and finish this issue of registration of parties.

He mentioned that there were two pillars to this bill: party registration and anti-abuse measures. Anti-abuse provisions are quite important in any legislation that is put forward. If there were no anti-abuse provisions in a piece of legislation, one would wonder how one would implement those laws.

There are new stringent rules in Bill C-3 coming into play during election campaigns. These came into effect January 1. Nomination and founding meetings of all parties, including ours and the Liberal Party, are all subject to Bill C-3 before the election campaign begins. There are a lot of candidates and people who do not understand the provisions of Bill C-3, including people in my own riding where the nomination meeting took place last week.

● (1545)

I would hope that Elections Canada, which is responsible under this provision, will take these anti-abuse provisions seriously. Without that, there is no point in making bills. There is no point if Elections Canada will not take the complaints that will be coming to it seriously. If it does not, then the whole essence of the bill and what Parliament intended to do falls through the cracks.

I am hoping that Elections Canada will not pass the buck because it does not have the resources to implement the will of Parliament in this case.

Coming back to the anti-abuse provision, I think we have an agreement. I will say that the government is worried to some degree about the abuse. We are all worried about the abuse. We will look at it in committee in order to bring improvements to this, see how we can tighten the anti-abuse provision, and at the same time maintain the essence of democracy, which embodies the free opinions of Canadians.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Madam Speaker, it is my pleasure to speak on this bill, which is in response to the Supreme Court decision in the Figueroa case.

As we know, Mr. Figueroa is the leader of the Communist Party of Canada and he testified before the Standing Committee on Procedure and House Affairs in the previous session of this Parliament, during the November 7 recess. Clearly, this bill needed to be reinstated as Bill C-3.

We will recall that, in that case, the Canada Elections Act was challenged by Mr. Figueroa. In 1993, the Communist Party of Canada lost its status as a registered party because it failed to nominate the required number of candidates. To be recognized under the Elections Act and by the Chief Electoral Officer, the parties must nominate at least 50 candidates. That is how it used to be. Mr. Figueroa challenged this decision all the way to the Supreme Court. The Supreme Court ruled in his favour, stating that the 50 candidate requirement for political party registration was unconstitutional.

This meant that a party could be recognized regardless of the number of candidates nominated, even just a single one. This means that a party could nominate a single candidate, and the Chief Electoral Officer would have no choice but to register the party and recognize it as a registered party.

The legal argument used by Mr. Figueroa, which the Supreme Court accepted, was that this 50 candidate threshold was in violation of section 3 of the Canadian Charter of Rights and Freedoms, which guarantees the right to vote, among other things. The court ruled that the 50 candidate requirement was putting a restriction on the right to vote and, to a certain extent, on the development of smaller parties.

Members know that, in law, discriminatory rules may be imposed, but one of the tests the Supreme Court uses is to determine whether this element of discrimination is acceptable in a free and democratic society. This test is applied in many areas.

Without giving a lot of examples, I will mention the standards set for the height of an airline pilot. This issue has been legally tested. For safety reasons, someone too small or too big for the cockpit layout could not do the work of a pilot. For instance, someone who was 7 feet, 4 inches tall—my children still get after me for talking in feet and inches—was rejected because a cockpit is designed with a certain minimum and maximum in mind. Clearly, a person who is too far from the controls cannot operate the aircraft.

The company was, in effect, discriminating, but the issue was to determine whether that discrimination was justified or not in a free and democratic society. In the case of the Elections Act, the number of 50 candidates has been judged unconstitutional.

The Supreme Court has told us that section 3 of the Canadian Charter of Rights and Freedoms must be interpreted rather broadly. Section 3, which guarantees certain rights, particularly the right to vote, is interpreted with reference to the right of each citizen to play a meaningful role in the electoral process, rather than the election of a particular form of government.

● (1550)

This definition takes into account the reasons why individual participation in the electoral process is important, in particular, respect for diversity of opinions and the ability of each person to strengthen the quality of the democracy.

A little while ago, I heard the leader of the government tell the House that it was important to do something about the democratic deficit and I made a comment to the hon. member for Rimouski—Neigette-et-la Mitis, because we know that this is the government's new hobby horse. Ever since the events of September 11, September 11 has been the excuse for everything. Everything was a pretext to deprive people of certain rights—because of September 11.

This government has found a new hobby horse, namely that now we must fix the democratic deficit. Unfortunately the government does not always walk the way it talks, and the same old Liberal methods we have known for decades often still prevail.

The court also said that the members and supporters of political parties presenting fewer than 50 candidates meaningfully participate in the electoral process. The court held that the ability of a party to make a valuable contribution is not dependent upon its capacity to offer the electorate a genuine government option.

In committee, several experts suggested that perhaps the issue of 50 candidates being deemed unconstitutional should be appealed. We cannot appeal to the Supreme Court, but perhaps we could have another recourse to ensure that a number, such as the number one, is not considered valid.

Many people have told us that we should consider the possibility of recognizing a party that presents at least 12 candidates. I remember asking certain academics, "Why the rule of 12?" The professors of administrative law and constitutional law pointed out that to have official party status in this House, the rule had been set at 12 members. Consequently, the rule should be the same for the number of candidates nominated.

However, I would like to point out that I am completely against this parallel. A distinction needs to be made with the rules inside the House for recognizing a party with respect to parliamentary proceedings and debates. Short of 12, the party is considered independent or a group of independent MPs.

This happened to the Bloc when the party was being formed. I believe the highest number of Bloc representatives in the 1990s was 9 or 10 members. They were considered a group of independent members.

Consequently, the rule of 12 should not be placed in the context of the number required for official party status in the House, in order to be accepted by the chief electoral officer.

In conclusion, I would add that we agree with the principle behind Bill C-3. We feel that the bill creates new measures for promoting the registration of entities as political parties.

We also think that we must pay particular attention to the addition of a definition of political party in the Canada Elections Act suggesting that the primary objective of a political party should be to participate in public affairs. We need to know what exactly is meant by "participate in public affairs".

We will be resuming work in the Standing Committee on Procedure and House Affairs on this matter, and may decide to hear from other witnesses. Nonetheless, at this stage, we agree with the principle of the bill.

● (1555)

[*English*]

Mr. Dick Proctor (Palliser, NDP): Madam Speaker, we are here this afternoon debating the Figueroa decision: that the Supreme Court of Canada struck down the current requirement of a political party to field at least 50 candidates in a general election as a condition of registration.

The court ruled that this 50 candidate rule treated small parties unfairly by denying them three key benefits that are granted to larger parties, namely: the right to issue tax receipts for political contributions; the right to receive unspent election funds from candidates; and the right to have a candidate's party affiliation listed on the ballot.

This treatment was found to be unequal and to infringe upon the right of citizens to participate in a meaningful way in the electoral process, as protected by section 3 of the Charter of Rights and Freedoms.

As was pointed out by the government House leader, the court did suspend its decision, or the effect of its judgment, for one year until this June 27 in order to allow Parliament time to bring forward the necessary changes to the Canada Elections Act.

The government is telling us that it believes the bill before us strikes an appropriate balance between fairness to the parties and the need to preserve the integrity of the electoral system.

The prerequisites are that the party have at least 250 members who have signed statements declaring that they are members of the party and support its registration, and that one of the party's fundamental purposes must be to participate in public affairs by endorsing one or more of its members as candidates and supporting their election, and that the party leader make a declaration to that effect.

That is the background to why we are debating this today. Of course with the prorogation of the House last November, the bill had to come back to be dealt with in order to meet the Supreme Court's requirement. It will require the amendment of the Canada Elections Act and the Income Tax Act.

I agree with the Supreme Court decision that fifty is too high a threshold, but I also wonder at the same time whether the number one is not too low. I will raise some of that as I go through the remaining moments that I have available.

As I said before, the fifty rule was struck down because small parties were treated unfairly and that did infringe on the rights of citizens to participate in a meaningful way, but if fifty is too high, is one too low? Let me delve into the example of the member for Saskatoon—Humboldt. It may be instructive for members of the House to consider it in that light.

Here is a member who appears to be a total political misfit in the House. He was elected as a member of the Reform Party in 1997. He was not welcome in the Reform Party, he was not welcome in the Progressive Conservative Party, and he appears, so far as we can tell, to be unwelcome in the newly formed Conservative Party. One assumes, because we are all trying to maximize the number of members we have here, that his views are simply too extreme for any political entity, for any political party in the House. That is the background.

Under the proposed bill as it has been laid out, there is nothing that would prevent this individual from continuing to raise money, to retain any unspent election funds and to continue on in his way, a way that is more destructive than instructive. It is fair to say that it is difficult for independents to win re-election, and the odds of this oddball member returning to Parliament Hill after the next general election are probably not very high.

Let me just stop here and say that I am one who very much favours freedom of speech. I basically agree with the notion that I may disagree with everything the member says but I will go to my grave in order to give him the right to say it. However, I am not sure that in giving him the right to say it we should necessarily be funding it. I do not think I would necessarily go that far in my libertarian view of the world.

● (1600)

My concern is that the bill is going to give more oddballs an opportunity to gain notoriety and have the right to raise and keep money. It certainly does not mean that they are likely to win political office, but it will do little to enhance the idea that more good people will want to seek office because of them.

The member from the Bloc Québécois who spoke before me referred to the Supreme Court decision as a unanimous decision, or at least that is the way it came across in the translation; perhaps it was an error. It is my understanding that it was not a unanimous decision of the Supreme Court. It was a five to three decision on the idea of this business of reducing it to one.

I am saying that fifty is too high, but I am clearly not arguing in favour of one. I like the arguments by the members of the Supreme Court who stated that it would be possible to enhance democratic values without so large a threshold, without reducing it all the way down to one member.

I think that perhaps twelve is too high a test, as the member from the Bloc Québécois said. Perhaps four or six members would meet the test, but I am not sure why we went to the lowest common denominator of just one. I agree with the court that this rule can be over- or under-inclusive and is potentially subject to manipulation. Fifty is obviously under-inclusive, but one may very well be over-inclusive.

Fifty, as pointed out in Bill C-24, has a disparate impact in that registration of a single political party at the federal level can occur only currently in the provinces of Ontario and Quebec. If we had a political rights party, for example in Saskatchewan or Manitoba where there are only fourteen seats available in each of those provinces, the fifty rule is obviously too high a threshold and would not apply. Obviously we need something that is considerably lower than fifty, but one, to my mind, is too low. In fact, it reminds me of the Groucho Marx line: "I don't care to belong to any club that will have me as a member".

I also recall Churchill, who said:

> It may be that vengeance...is sweet, and that the gods forbade vengeance to men because they reserve for themselves so delicious and intoxicating drink. But no-one should drain the cup to the bottom. The dregs are often filthy-tasting.

I think reducing the number to one means that there will be far more dregs and drudges in the political system, and that is not going to encourage informed debate and make more informed political discussion.

In conclusion, let me say that we support the bill, but we have serious concerns about the reduction to one. We are glad that it is going to committee where these arguments can be made in an endeavour to improve the overall content of the bill.

● (1605)

[*Translation*]

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Madam Speaker, it is a pleasure to take part in this debate on the bill before the House. In fact, this concerns the referral to committee of Bill C-3, to amend the Canada Elections Act and the Income Tax Act.

Obviously, we agree with the underlying principle of the bill, which is to amend the Canada Elections Act to recognize small political parties. We must make a distinction here between a registered political party and a party recognized in the House, as my colleague from Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans mentioned earlier. Previously under the Canada Elections Act, as the Supreme Court ruling stated, a party had to endorse a minimum of 50 candidates during a general election in order to be a registered political party.

This was extremely difficult for small political parties. For example, a new political party had to endorse 50 candidates, have at least 50 ridings with a candidate, who, in my opinion, had few means to make their ideas heard. This presented various difficulties in many ridings.

We agree with the amendments to the Canada Elections Act and the Income Tax Act recommended by the Supreme Court. Naturally, we agree with the principle underlying this bill. Various things will have to be clarified to ensure that a political party is defined. This will require careful attention. What does political party mean? What does it mean in practical terms?

A clear and precise definition is required. That is why this bill must be considered in committee and amended if need be. We need and must agree on a real definition, in order to prevent organizations —I will not mention any names—without any interest in public affairs from being recognized as political parties and benefiting from tax credits normally given to political parties.

This also gives us an opportunity to talk about what democracy is. In the Bloc Quebecois, we had adopted the tradition promoted by the Parti quebecois during the 1970s concerning electoral legislation. We set ourselves the objective of getting the most people possible involved. It was our true and clear intention to recruit many members in order to enable the population as a whole to express itself at all levels of the party, from the local to the national levels in Quebec.

Over the years, I believe the Bloc Quebecois has achieved that objective. First of all, the Bloc banked on the public funding of a political party. As well, it has defended in the House, pretty much consistently, the changes required to the Elections Act, so that, among other things, corporate contributions to political parties would now be banned.

Finally, this past year, after a great many years of major debates, the Bloc Quebecois succeeded in having federal politics cleaned up, as Mr. Lévesque had done in Quebec. This is very important, because this kind of approach made it possible to improve Quebec politics and will, I hope, have the same effect on federal politics.

With all that is going on, and has gone on, we are still far from the objective of this new law. I hope we will be able to solve this problem at the federal political level. This past week, with all of its focus on sponsorships, we were hearing that this was how politics works in Quebec. A statement like that is totally false.

We know very well that politics in Quebec have been cleaned up since the 1970s, and such things could never have happened under our present electoral legislation. Our elections act was brought in by the Parti quebecois and has been upheld by subsequent governments. It has the approval of the National Assembly and of the people of Quebec.

● (1610)

When we hear such statements, we know they are totally unacceptable. A person would really have to be lacking in judgment and knowledge to say such things.

That also gives us the opportunity to say that in order for our democracy to exist and flourish, it is necessary that the public be able to participate. Of course, if more opportunities are opened up for the creation of political parties that will defend different opinions and different ideals, that can only be healthy for democracy, because it will encourage more citizens to participate in democratic life.

Considering the recent history of general elections, we see that there has been a gradual disaffection of the citizens with politics, particularly federal politics, if we look at the percentages of people who bother to get out and vote.

At present, there is a danger in letting things slide, making it easy for citizens not to be involved in or committed to a political party or even politics in general. If we want democracy to continue to exist and flourish and have the effects we all hope it will have, it is essential that the majority of people go to the bother of voting and participating in our democracy. In a democracy, the usual method of participating and sharing ideas involves political parties.

We are in favour of an amendment to the bill. In any event, the Supreme Court gives the government no choice. The Elections Act has to be amended and so does the Income Tax Act so that political parties wanting to register are able to sell memberships and collect contributions. All this will be done within the new framework established following much debate and the Bloc Quebecois' incessant demands that federal government politics be cleaned up.

The Supreme Court gave the government one year to achieve this objective. At the end of that year, the need to present 50 candidates will be eliminated. From the Supreme Court ruling to the end of the one-year deadline, the bill has to be adopted and the necessary changes made. It is absolutely imperative that through this bill, we give small political parties every opportunity to form and express their points of view and ideas.

Naturally, several changes have been proposed by the government. We probably will not agree with all the changes presented and I think that is normal, but they have to be closely examined in committee.

For instance, we are told that for a party to be formed, it needs at least 250 members who have signed a statement declaring their membership in the party. That is the minimum. To create and register a party, to have it prosper and to have candidates in each riding, a membership of 250 is not much. We should perhaps reconsider this requirement to ensure that the political party is serious about registering. Our democracy needs to benefit from this. Contrary to what might happen, democracy must not be ridiculed, but applied properly. The public must be able to take part in it.

● (1615)

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Madam Speaker, it is my pleasure to speak in this debate on Bill C-3 to amend the Canada Elections Act and the Income Tax Act following a decision of the Supreme Court of Canada in Figueroa. Mr. Figueroa is the leader of the Communist Party, who challenged the legality of the bill, and the court ruled in his favour.

In essence, he challenged a party's requirement to endorse at least 50 candidates in order to be recognized and be able to register with the Chief Electoral Officer. In this respect, the court found that the requirement was absolutely contrary to the Charter of Rights and Freedoms, in that it infringed the right of citizens to vote for a party that did not nominate 50 candidates.

For example, a party might register and nominate only 10, 12, 15 or 18 candidates, but it was prohibited from doing that under the old legislation because it did not have at least 50 candidates.

I remember when the Bloc Quebecois was established. I was involved in the Bloc Quebec in the early 1990s. We were unable to issue valid income tax receipts to members who made campaign donations, because we were not officially a party at the time.

When the election was called in 1993, we rushed to register and file our official nominations to ensure we would meet the 50 candidate requirement as quickly as possible so that the party would be officially recognized by the Chief Electoral Officer as soon as possible and be able to issue valid income tax receipts to those who financially supported us.

In a unanimous decision, according to some, and a majority 5-3 decision, according to others—I do not know the specifics, but if it was five to three, it was at least a majority decision—the Supreme Court set a deadline: June 27, 2004.

The government must therefore amend the Elections Act by June 27, 2004. Otherwise, there will be a legal vacuum. What we have now will no longer be legal, because it will contravene the Charter of Rights and Freedoms. If we do not act now, we will have no replacement. Consequently, anyone could claim they can register a political party without meeting the requirements for recognition.

As the government House leader pointed out earlier in his speech, the government moved extremely quickly in this bill. The loophole was to be eliminated by June 27, 2004.

However, while we are debating this bill, which will go to the Senate and which will undoubtedly have to be passed before the House prorogues, this time for an election, it is important that this be done this time. The government is setting conditions for registering a political party. It also asked the Standing Committee on Procedure and House Affairs to examine this rather complex issue so that we can deal with it in proper fashion. Then, with a new government after the election, we could come back with a bill which, this time, would have been properly reviewed and which could set ideal conditions for the registration of a political party.

We will then be able to register a party that endorses at least one candidate.

● (1620)

The requirement is not unreasonable. For example, if an individual wants to be the leader of a party because he wants the experience, he can choose a riding and find 250 supporters and three officers to help him run his party. As long as there is a candidate and the two conditions that I just mentioned are met, the party could be recognized as an official party, and could recruit members, legally collect money and issue valid tax receipts, pursuant to what is provided for political parties as regards tax deductions.

The Bloc Quebecois supports the underlying principle of this bill, which amends the Canada Elections Act and the Income Tax Act. However, as I said, although we support this legislation, we are convinced that we will have another opportunity to address this issue after the general election and after the government has let a committee review it and make any necessary amendments.

We support this bill because its seeks to make it easier for any citizen to play a major role in the electoral process, and not as a function of the election of a given government. It is important to facilitate the democratic process as much as possible.

As my hon. friend from Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans was saying—and we have talked to each other about this—the government must not get into the habit of mentioning the democratic deficit the same way it talked about September 11 and post-September 11, so that it becomes a sort of hobby horse and eventually nothing but an empty shell.

The goal we should be seeking in this amendment is to use the greatest possible care to create the best possible democracy, and not just a mock democracy. People must truly feel that it is possible to have divergent opinions within Canada and to express themselves within political parties.

In the bill, there is a definition of "political party". Any citizen who wants to consult this bill, which I imagine will soon become law, will be able to find out that he or she may, with a group of like-minded people, create a political party if the existing parties do not offer an ideology and values that correspond to what that person is and what that person wishes for the society in which he or she lives.

It is important that every citizen have access to the necessary information. The bill sets out in the simplest possible terms what a political party is and the conditions for establishing one. It should be passed as quickly as possible, given the deadline the Supreme Court has imposed.

● (1625)

[*English*]

The Acting Speaker (Mrs. Hinton): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Davenport, Environment.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Madam Speaker, it is a pleasure to speak on Bill C-3, to amend the Canada Elections Act and the Income Tax Act.

Our party whip, the member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans spoke eloquently, as did my colleague from Rimouski—Neigette-et-la Mitis who was very informative about the scope of these legislative amendments—and the Prime Minister will like this—to compensate for the lack of democracy in this country.

People talk about democratic imbalance. In my opinion, this bill seeks to amend—and I see that the President of the Treasury Board fully agrees with me—this democratic deficit, although I said imbalance.

Unfortunately, it is different for certain groups with very specific ideas on a particular subject. We need only think of the Green Party which, in those ridings where it is active, promotes ideas that perhaps some find a bit utopian.

However, these ideas need a framework and can be presented in a democratic framework so as to contribute to democratic debate. An idea can seem far-fetched during a particular period in our political or historic evolution, but then lead to bills, philosophies and very interesting policy directions.

Consequently, I believe that it is important to make it easier for political parties to exist so they can present their ideas to the public, thereby improving the democratic process and participation in the democratic process.

In election after election, voter turnout—and directly, the interest level—drops. Such modest measures may encourage the interest of more marginal groups that have important and interesting ideas to bring to the public debate during an election campaign.

Perhaps we will have groups of individuals who will, in different provinces, join forces to address the issue of government spending. The Green Party focused on the environment, but perhaps there will be a party focusing on government spending. I am thinking, in particular, of the $2 billion wasted on the firearms registry.

Then there is the $100 million wasted on two planes. And the talk of another $1 billion wasted at Human Resources Development. The minister has dissociated himself from that department in order to sidestep any questions. There is the $250 million sponsorship scandal. Maybe we will have groups created specifically to address this aspect.

The democratic deficit is directly linked to confidence in our elected representatives. Unfortunately—and this is a message for our Liberal colleagues—their reputations are being blackened by the sponsorship scandal, but so is the reputation of politicians as a group.

What are we hearing in all the various public forums? "Well, there you go. We all know that's what politicians are like". Yet the scandal is on only one side of this House, the Liberal side, but it has sullied the political reputations of the members of the Bloc Quebecois, the Conservatives and the NDP. What is more, it is spreading to include the reputations of politicians in the provincial legislatures or the Quebec National Assembly.

The democratic deficit is directly connected to trust, which the government has shunted aside far too long ago, in order to look out for its friends. It has managed to pull off quite the little money laundering scam.

One wonders what would have happened if all these efforts had been put towards measures to help the disadvantaged. Not all public servants were involved; on that I agree with the Auditor General. It was a small group. What would have happened if the efforts of the political staff, the ministers, the deputy ministers, all the people involved, had been put towards helping seasonal workers find jobs, instead of camouflaging financial transactions in order to funnel money into riding trust accounts or the Liberal Party's coffers?

● (1630)

These efforts and funds ought to have been put toward helping the homeless find affordable and slightly more accessible housing. All the effort that has gone into hiding money from the taxpayers and the Auditor General should have gone into helping the disadvantaged deprived of the guaranteed income supplement.

I think that efforts have been made, but that they were misdirected and took the form of wrongdoing. Had they been channeled toward more noble goals, we would have a more equitable society today. Fewer political parties could be established under Bill C-3. People would have greater confidence in the political system, which means that participation in the electoral or political process would be encouraged and Bill C-3, which is important in our community and our political reality, would probably become less useful or necessary, so to speak.

I welcome the opportunity provided by Bill C-3 to amend the Elections Act to comment briefly on the matter. Another amendment to the legislation concerns the electoral boundaries readjustment. At present, the riding of Repentigny is made up of five municipalities, three of which—Lachenaie, Mascouche and La Plaine—will be attached to a different riding under the new legislation that is likely to take effect on April 1.

I would like to take the opportunity that comes with discussing a bill to amend the Elections Act, to tell mayors, city councillors, journalists, stakeholders and people of influence in these municipalities, before the electoral boundaries are redefined, what a great pleasure and privilege it has been to represent them for more than 10 years, from 1993 to the present. It has been a great privilege for me to get to know them and to work with them on developing lasting projects that will benefit the public. It was a great privilege to work with people who are dynamic, very much in the know, and involved in their community.

I would like to take the opportunity that comes with this bill to amend the Elections Act, to say hello to these people. My heart will always be with them. My colleague from Berthier—Montcalm, who will replace me—we are very optimistic about the election—will represent them very well.

To come back to Bill C-3, as my colleague from Rimouski—Neigette-et-la Mitis said, the Bloc Quebecois agrees with this bill for improving democracy. We also agree with checking whether the proposed amendments are consistent with the Charter of Rights and Freedoms.

The requirement to have at least one candidate in an election seems quite obvious to me. If a political party is created, there has to be a candidate. This is at least logical, if not consistent with the Charter of Rights and Freedoms. In other words, to be present in an election campaign, a party must have at least one candidate.

There also have to be 250 members who have signed a statement declaring their membership in the party. I believe that is the minimum requirement to have representation. It is not a question of two or three friends talking one day and deciding they will form a party. There needs to be a basic structure.

There need to be three officers of the party, three officials who will be in charge of issuing tax receipts or handling financial aspects to allow the political party to grow and convey its ideas. It is for that reason we must ensure that the bill is carefully worded and that democracy is even more vibrant in this country.

● (1635)

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Madam Speaker, I am pleased to rise today to speak to this bill.

It might be well to remind those watching why there is a bill before us to amend the Elections Act. It is because a challenge was made before the Supreme Court to have political parties recognized even if they have fewer than 50 candidates.

To ensure a healthy and quality democracy that allows each person to express himself or herself appropriately, the court decided to give us, the legislators, one year to correct the situation. Since we are in the second part of an electoral term, these new provisions must be implemented as soon as possible. I hope that the bill will become law and enter into force, if possible, in time for the next election, or, if that is not technically possible, then compliance with the spirit might be possible in the next election.

It was a unanimous decision by the Supreme Court judges, who declared that it is unconstitutional to oblige political parties to nominate a minimum of 50 candidates in an election in order to be recognized as a registered party. In fact, what is the minimum number of candidates? That is the question the Supreme Court asked. The bill before us contemplates the minimum, providing that if there is one candidate, a party can be recognized. With that, it is believed that the new law will satisfy the requirements expressed by the Supreme Court.

Section 3 of the Canadian Charter of Rights and Freedoms should be understood with reference to the right of each citizen to play a meaningful role in the electoral process, rather than the election of a particular form of government. This definition takes into account the reasons for which individual participation in the electoral process is important, particularly respect for diverse opinions and the capacity of individuals to enhance democracy.

The bill seeks in some way to reinstate the conditions in place in the beginnings of democracy. When countries established democratic regimes, when the first experiments were taking place, people with differing opinions formed parties and this came to be the legislative machinery we have today. This is what underlies the ability of citizens to express their opinions and to select the person they want to represent them.

The Supreme Court has finally set us straight, so that any individual wishing to express an opinion may do so, through the political party of his or her choice, and not just through those political parties which enjoy sufficient visibility to field 50 candidates. The 50 candidate limit posed a problem to the Supreme Court, and the intent of this bill is to remedy the present situation.

The Court pointed out that political parties fielding fewer than 50 candidates also play a worthwhile role in the electoral process. It argued that a political party's ability to make a valuable contribution to the electoral process did not depend on its ability to constitute for the electorate a real alternative to the outgoing government. If anyone understands that, it is the members of the Bloc Quebecois.

Hon. members are aware of the contributions the Bloc Quebecois has made to this Parliament in the time we have been here. Over the past two years, people will have noted that we have raised the sponsorship issue more than 441 times. With each time, we have taken one more step toward the day we hope to finally get to get this matter completely out in the open. A political party like the Bloc Quebecois has no intention of assuming power in Canada. Our goal is to make Quebec a country. We have, however, made a worthwhile contribution in this Parliament.

Possibly other parties fielding fewer than 50 candidates could, during election campaign debates, at least, present interesting opinions, possibly those of the regions. Some parts of Canada might want to be represented by a party that fielded fewer than 50 candidates.

Let us think, for instance, of the Inuit population, or the inhabitants of the Canadian far north. They may not find themselves reflected in the federal political parties currently available. They might consider forming a political party. They do not, of course, have the interest or the capacity to round up more than 50 candidates, but they would still deserve to be represented in this House, and that is what the measure we are looking at now should make it possible for them to do.

● (1640)

The court stated further:

> —[the right to vote] requires each citizen to have information to assess party platforms and the legislation undermines the right to information protected by s. 3.

It can therefore not be protected under section 1 of the Charter.

In other words, the court determined that, without the benefits available under the Elections Act, a party would find it difficult to propagate its political ideology. The idea is therefore to provide a level playing field where all can debate and have access to the financial tools they need to put their arguments across.

That is where the 50 candidate requirement infringes rights guaranteed under section 3 of the Canadian Charter of Rights and Freedoms, by limiting the ability of members and supporters of parties disadvantaged by this requirement to express ideas and opinions in the context of public debates occasioned by the electoral process.

Basically, the court is saying that there must be healthy and fair competition, and anyone who wishes to run under whatever banner they want must be able to do so. It will be up to the people to decide who they want and do not want.

The court has given us one year to replace these provisions with requirements more consistent with the Canadian Charter of Rights and Freedoms. That is what the bill before us today is all about.

It is somewhat surprising for various bills relating to the Canada Elections Act to be rammed through. For example, the electoral map should come into force one year after it becomes official. Normally, this legislation should come into effect in August 2004, but this bill would allow the current Prime Minister to call an election, according to his agenda, as early as April 2004.

There is utter disregard for the principle that this legislation should not be subject to partisan applications. The government decided to move up the date the electoral map takes effect, and we are still waiting for this decision to come back from that other place.

However, the federal government's action runs somewhat counter to the spirit of the court's ruling with regard to the quality of democracy. In fact, if someone contested this part of the legislation, I am not certain that the court would not reach the same conclusions.

This bill contains a number of amendments. As I mentioned earlier, the obligation to endorse 50 candidates has been replaced by the obligation to support at least one candidate. A party must have at least 250 members who have provided a signed declaration that they are party members. In my opinion, an individual could be identified as a party in one riding and have at least 250 members in that riding alone.

There must be three party officers in addition to the party leader. One of the primary purposes of a registered party must be to participate in public affairs. Consequently, parties must stick strictly to politics.

Those parties that do not support a single candidate during a general election will be automatically de-registered. This will eliminate charlatans or situations where people create fake parties, but do not endorse any candidates, which would be absurd.

The bill also provides for the de-registration of those parties that do not comply with the new requirements and for the remittance of moneys illegally collected. Today, we realize how important such a provision can be. It applies to small parties, but it also applies to major parties. One only has to look at the current situation with the Liberal Party of Canada.

The bill also creates offences relating to the provision of false or misleading information, and a person's acting as leader of a party when the person knows that the party does not comply with the requirements set in the definition of a political party.

So, unlike the example that I gave earlier, where partisanship was a factor in the date of implementation of the electoral map, this bill will improve the Canada Elections Act. We support the principle that underlies Bill C-3, because it should benefit small political parties.

I will conclude by saying that we will have to pay particular attention to the inclusion of the definition of a "political party" in the Canada Elections Act. According to this definition a political party means an organization one of whose fundamental purposes is to participate in public affairs. We will have to know what the expression "to participate in public affairs" means in concrete terms.

So, I think that we have before us a bill which will comply with the Supreme Court ruling, and with the charters and will further promote the democratic process in Canada.

● (1645)

The Bloc Quebecois has always been in favour of promoting a significant democratic debate. While it laments the fact that it does not have enough candidates to run the country, it is still making a significant contribution to the democratic process. This is a good opportunity to also give that chance to other groups that may wish to become political parties without necessarily having 50 candidates.

[*English*]

The Acting Speaker (Mrs. Hinton): There being no further members rising to speak, I will put forthwith the question on the motion now before the House. Pursuant to order made earlier today, the motion is deemed carried on division.

(Motion agreed to and bill referred to a committee)

* * *

CRIMINAL CODE

The House proceeded to the consideration of Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, as reported from the committee.

SPEAKER'S RULING

The Acting Speaker (Mrs. Hinton): There are three motions in amendment standing on the Notice Paper for the report stage of Bill C-12. Motions Nos. 1 to 3 will be grouped for debate and voted upon according to the voting pattern available at the table.

I shall now propose Motions Nos. 1 to 3 to the House.

* * *

● (1650)

MOTIONS IN AMENDMENT

Hon. Reg Alcock (for the Minister of Justice and Attorney General of Canada) moved:

That Bill C-12, in Clause 6, be amended:

(a) by replacing, in the French version, line 45 on page 5 with the following:

"vend, annonce, rend accessible ou a"

(b) by replacing, in the French version, line 1 on page 6 with the following:

"de vendre, d'annoncer ou de rendre"

Ms. Libby Davies (Vancouver East, NDP) moved:

That Bill C-12 be amended by deleting Clause 7.

Hon. Reg Alcock (for the Minister of Justice and the Attorney General of Canada) moved:

That Bill C-12, in Clause 27, be amended by replacing lines 5 to 20 on page 24 with the following:

"27. If Bill C-7, introduced in the 3rd Session of the 37th Parliament and entitled the Public Safety Act, 2002 (the "other Act"), receives royal assent and section 10 of this Act comes into force before the coming into force of any provision of the definition "offence" in section 183 of the Criminal Code, as enacted by section 108 of the other Act, then, on the later of that assent and the coming into force of that section 10, paragraph (a) of the definition "offence" in section 183 of the Criminal Code, as enacted by that section 108, is amended by adding the following after subparagraph (xxvii):

(xxvii.1) section 162 (voyeurism),"

Ms. Libby Davies: Madam Speaker, congratulations on your new position as Acting Deputy Speaker. It is always good to see women in the Chair. It is not an easy job to do. We are pleased to see you there.

I am pleased to rise in the House today to debate the amendment in Bill C-12 at report stage. The amendment we have put forward would delete clause 7. This clause removes the defence of artistic merit from existing child pornography legislation and replaces it with a public good defence. Our amendment would delete that section of public good defence.

Before I speak further, I want to recognize the work of my colleague, the member for Dartmouth, who has taken on this bill and many other issues in the House, as our arts and culture and communications critic. I think she has earned respect from all sides of the House for the tremendous job she has done in promoting Canadian arts and culture.

We have had to deal with some very difficult issues in the bill in terms of defending the rights of children and to ensure that child sexual abuse does not take place in our society. We also have had to deal with issues of artistic merit and protecting the legitimate areas for artists for true expression. This has not been an easy thing to do. I think we all have an admiration for the work the member has done, in working with the broader community, to ensure that the legislation can be supported. In fact the amendment before us today is as a result of the member for Dartmouth's work.

Protecting children and other vulnerable people is one of our highest duties, both as members of Parliament and as citizens and residents of Canada. It is one that we should not take lightly.

In this age of digital transmission and global communication, visual examples of child pornography have become something that I think we all find horrifying and that we abhor. I agree that any depiction of child abuse that glorifies those acts or is intended to incite people to commit them must be criminalized. For those of us in the New Democratic Party, this is something which we believe most strongly.

The sexual abuse of children is an atrocity, a despicable attack on the most vulnerable members of our society. It is an act of terror, an assault on our society's most basic values of honour, protection and dignity.

Although the NDP agrees with the general intent of Bill C-12 to protect children and other vulnerable persons from exploitation, we have a problem with the vague language of clause 7. We believe weakens the whole bill. Indeed, witnesses who appeared in front of the justice committee, for example from the Toronto Police Association, as well as groups such as the B.C. Civil Liberties Association and the Canadian Conference of the Arts, all indicated that they felt that clause 7 was problematic because the language used was vague and contradictory.

In fact, after the previous debate on this issue in November 2003, Pierre Plourde, an LLB candidate in the Faculty of Law at the University of New Brunswick, contacted members of the House. He believes that the amended clause 7 is still unconstitutional and that courts will have to treat the public good defence the same as the existing defence of artistic merit to avoid striking down the entire law. This is clearly problematic.

Many of our colleagues in the House have complained that the original child pornography law was sloppy. The problem we are faced with now is that that this new law will become another sloppy law. It is something we need to fix as quickly as we can. It will not help protect our children from abuse.

A problem that was noted in committee, through the witnesses, was that the bill as it stood would also increase the burden on police forces. I quote from Detective Sergeant Paul Gillespie of the Toronto Police Service, who appeared before the justice committee in October 2003. He said:

> We've seen what happens when police are left to define what is or isn't artistic merit. We'll be fighting about this one for years. Police would simply appreciate laws that are very clear and that will allow us to make better-informed decisions at the time we are required to make them. Wording that is very open to speculation and suggestion and not quite clear makes it very difficult for officers to understand exactly what they're supposed to be doing.

● (1655)

We would agree and say that it is incumbent upon us to ensure that the law is clear.

It is not just artists who face a chill from this legislation. Researchers and health workers will also have to wonder if their work leaves them open to prosecution. For example, psychiatrists working with victims of sexual abuse may wonder what material they can actually publish. With a very vaguely worded public good defence, they could find themselves being accused of creating child porn by referencing events that happened to their patients.

We could have created strong legislation, one that would not be open to charter challenges. I am sure that is something no member of the House wants to see. Again, the amendment is important, and it is important that we try to fix the problem now.

For example, clause 7 leaves it up to the courts to decide if an act or material goes beyond what is considered as the public good. When we discuss measures that limit rights outlined in the charter, the decision should not be left to an unelected, unaccountable body in our court system. We believe that discussion should happen here in Parliament.

The second reason we have asked for this amendment is that this clause does not protect artists. This was a very critical point at the committee, and it is something that has been part of the debate through the passage of the bill. The new defence of public good is too vague and unproven.

We believe it will take years of jurisprudence for the courts to decide exactly how to apply this defence in relation to child pornography laws. Will museums, for example, be prosecuted for holding classic works of art that depict children in sexual acts? Will libraries, which protect the rights of Canadians to read any and all kinds of literature, have to clear their stacks of any books that might suggest teenagers had sex with adults?

Artists need the freedom of an open democracy to create their work. Artists are concerned that the legislation contravenes a basic tenet of our judicial system: one is presumed innocent until proven guilty.

We believe this clause, if it were left as it is, would force an artist to prove that his or her work is for the public good and does not extend beyond it. In fact, Megan Williams, who is the National Director of the Canadian Conference of the Arts, told the committee how artists felt about being guinea pigs of bad legislation. Again, this has had extensive debate both within the arts community and in broader society. She said at committee:

> I want to add also that artists do not want to be on the front lines of testing dubiously drafted legislation again.

During the committee hearings, many people brought up the silence around child abuse and how important it is to not return to a time when children and adult survivors of abuse could not talk about it. The chill that this proposed legislation will create cannot be under estimated.

There are other areas of Bill C-12 that we do support and, in fact, overall we support the bill. However, in this area we have a very strong concern.

The proposed bill extends protection for children and other vulnerable people. As we have said, this is clearly something that is very important. However, we cannot support treating all work that deals with children and sex as pornography. It is important that survivors can speak, write or draw about their experiences without facing persecution. It is important that artists can explore not just the virtuous part of our society but also its dark side.

We believe clause 7 should be removed, and thus we have put this amendment forward today, and allow the rest of the bill to go forward.

I hope that the debate today will be something that is respectful. I know this has been a very contentious issue. We put forward the amendment with very good intentions to help make the a bill that is clearer and is something that can be supported by all members of the House.

It was very important that we had the input from different sectors of society: police, artists and others. We believe that the amendment to delete this clause is something that will strengthen the bill.

● (1700)

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I also am glad to see another woman taking the position in the chair.

There are three motions on Bill C-12. I will briefly speak to the two government motions. Government Motion No. 1 is a grammatical correction amendment to clause 6. This is a technical motion that proposes to correct a grammatical mistake in the French version of an amendment made in committee. Clause 6 was amended in committee to add the offence of "advertising" a recording made through the commission of an offence of voyeurism to the listing of other prohibited acts regarding such voyeuristic recordings. The words added in the French version require an indirect object, but they are placed in a sentence where all of the other verbs require a direct object.

The amendment would replace the expression "faire de la publicité" with the verb "annoncer", a verb which is of a similar nature to the other verbs or prohibitions used in the clause and which is also the same French verb used elsewhere in the Criminal Code for the English equivalent of "advertising". This would make the French and the English versions consistent.

I will move now to government Motion No. 3, which is a coordinating amendment on clause 27. Again this is a technical motion to amend clause 27 of Bill C-12. It replaces Bill C-12's reference to the public safety bill that died on the Order Paper with the current reference to that same bill as reinstated on February 11.

Clause 10 of Bill C-12 proposes to amend section 183 of the Criminal Code to add the new voyeurism offences to the list of offences for which criminal investigations can intercept private communications and use video surveillance. Bill C-7, the Public Safety Act, 2002, formerly Bill C-17, also amends section 183 of the Criminal Code to add other offences to the list.

Clause 27 of Bill C-12 is a coordinating clause. It is needed to ensure that the amendments to section 183 proposed by both Bill C-12 and Bill C-7 can come into effect regardless of the order of enactment of these bills.

Accordingly this motion seeks to amend clause 27 of Bill C-12 so that it now refers to the new bill number for the Public Safety Act, Bill C-7, to thereby coordinate both bills' amendments to section 183 of the Criminal Code.

Now to the more substantive matter which the hon. member for Vancouver East has proposed in her motion. I rise today to oppose the motion of the member opposite. I do acknowledge the hard work that has been done by all on this committee.

In effect, this motion seeks to maintain the status quo on child pornography and this is something which neither Canadians nor this government accept. The government believes that the existing child pornography provisions do not go far enough to protect our children against this form of sexual exploitation.

They do not go far enough because they restrict the definition of written child pornography to only those materials that "advocate or counsel" unlawful sexual activity with children. The existing child pornography provisions do not go far enough because they provide two defences for all child pornography offences, including a defence for material that has artistic merit or an educational, scientific or medical purpose without any harms-based test.

Bill C-12 says no to the status quo while this motion says yes to it. Clause 7 of Bill C-12 proposes two reforms to the existing child pornography provisions. First, it proposes to broaden the existing definition of written child pornography to include written material that describes prohibited sexual activity with children where that description is the dominant characteristic of the material and it is done for a sexual purpose.

Second, Bill C-12 proposes to narrow the two existing defences into one defence of "public good", a term that is now specifically defined in the bill. Under the new law, no defence would be available where the material or act in question does not serve the public good or where it exceeds or goes beyond what serves the public good. More simply stated, if the risk of harm that it poses outweighs the benefit that it offers to Canadian society, then no defence would be available.

Today's motion goes in the opposite direction of Bill C-12. It says that written materials that consist primarily of descriptions of unlawful sexual activity with children, which descriptions are done for a sexual purpose, are okay. It says that these materials are not child pornography and that they should not fall within the reach of the criminal law.

● (1705)

The Supreme Court of Canada interpreted "for a sexual purpose" in the Sharpe case, 2001, as that which can be reasonably perceived as intended to cause sexual stimulation.

With this interpretation in mind, I find it virtually impossible to comprehend the basis for any argument that seeks to support and protect materials that mostly describe the sexual abuse of children and where these descriptions can be reasonably perceived as intending to cause the reader to be sexually stimulated.

These materials are not okay, as this motion would have us believe. The Criminal Code provides a comprehensive set of prohibitions against the sexual abuse and exploitation of children. The type of written materials that Bill C-12 wants to include in these protections, but which this motion seeks to exclude and to protect, are those that portray or purport to portray children as a class as objects for sexual exploitation. The government recognizes the very real risk of harm that such portrayal and objectification of children pose to our children and to society at large. That is why Bill C-12 proposes to include these types of materials within our definition of child pornography.

The second thing that this motion seeks to do is to maintain the current test for when child pornographic materials should be protected by the defence of artistic merit. Under the current test for artistic merit, the defence is automatically available for material that, objectively viewed, demonstrates some artistic merit, no matter how small and no matter what the risk of harm it may pose.

For example, if the material in question is a written story, the test for the current defence is, objectively viewed, does the story reflect some accepted or recognized literary techniques or styles? If so, the defence is available, irrespective of whether the risk of harm that story poses to children in society outweighs any benefit that it offers.

The government does not agree with this and does not support the existing test for artistic merit and neither do Canadians. The Standing Committee on Justice and Human Rights amended Bill C-12 to define the public good as including acts or materials that are necessary or advantageous to the administration of justice or the pursuit of science, medicine, education or art.

This definition is modelled on the Supreme Court of Canada's interpretation of the public good in Sharpe. This will help to ensure that the subsequent interpretation of Bill C-12 is guided by the Supreme Court's decision in this case.

The justice committee's amendment of Bill C-12 to include a definition of the public good directly responds to concerns expressed by the arts community and other witnesses who appeared before the committee. They wanted greater clarity in the bill as to what constituted the public good. The justice committee amendment to define the public good responds to this concern.

However, as to the balance of the concerns raised by the arts community witnesses, a number of observations should be made. In a child pornography case, the first question to be considered and answered is whether the work in question meets the Criminal Code's definition of child pornography.

Examples of written works that were described by these witnesses to the justice committee would not meet the existing definition of written child pornography, that is, they could not be said to advocate or counsel unlawful sexual activity with children. Neither would they meet Bill C-12's proposed new definition. That is, they could not be said to be works that, one, were comprised primarily of descriptions of unlawful sexual activity with children and, two, that such descriptions were written for a sexual purpose.

If the material in question meets the definition of child pornography, then the second question to be considered—and it is a question that falls to the courts to determine—is this: Is this material protected by a defence? Under Bill C-12 there would be only one defence and the test for the single defence would be the same for all material. It would be a two-step inquiry that indicates and includes a harms-based test and it would be possible for art to meet such two-step inquiry.

The motion to delete clause 7 of Bill C-12 is not consistent with the objectives of the bill as set out in the preamble, which states:

> Whereas the Parliament of Canada has grave concerns regarding the vulnerability of children to all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect—

It is for these reasons that I urge all hon. members to support Canada's children and support Bill C-12 as passed by the justice committee and not to support this motion from the hon. member of the opposition.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I would like to add my comments to this particular debate. I think it is a very important debate.

I am very concerned about the whole issue of the public good defence, as I am concerned about the artistic merit defence. I support the NDP amendment that was brought by the member for Vancouver East only because the government proposal to replace the artistic merit defence is worse than the actual artistic merit defence itself.

We heard in committee that the public good defence in fact increases the ability of pornographers and child predators to take advantage of our children. There was not one witness, other than the minister himself at that time, who supported this amendment. Whether it was civil libertarians on the one side or child advocacy groups and police forces on the other, none of them supported the public good defence because, in the words of David Matas, for example, a very prominent lawyer from Winnipeg, also known as a civil libertarian, this increased the ability of pornographers to take advantage of our children.

I am supporting the motion by the member for Vancouver East to delete the public good defence, but I say that I cannot support the bill, which would then include the artistic merit defence. This bill needs to be taken back to the drawing board and a real defence put in place that prohibits the criminal exploitation of children the way the artistic merit defence has allowed pornographers and child predators to take advantage of our children and, indeed, the way this new defence would.

I will state something very interesting that was stated by another NDP member, the member for Palliser. He seemed to indicate that some child pornography is not really dangerous, that it is not really bad. In his defence of the creation of some types of child pornography, the member for Palliser stated in *Hansard* on January 27, 2003:

> Mr. Speaker, in response to the member's specific questions, the position that I take, and I believe would be shared by a majority if not all of my caucus colleagues—

He is speaking about his NDP caucus colleagues:

> —is that if it has not specifically hurt a minor in the production of it, if it is created by people's visual imaginations and if the main purpose of it is not simply about pornography and sexual exploitation, then under the laws people do have a right to their own imaginations and thoughts, however perverse the member and I might think they are.

That was what the member for Palliser said: that some types of child pornography are acceptable to him and the members of his caucus.

I would suggest that this NDP member and the members of that caucus who share his view spend some time talking to police forces across Canada that investigate child pornography. Even in those cases where an actual child has not been harmed—for example, in the case of virtual children, who are indistinguishable from a real child but where no real child has actually been used—that kind of pornography is extremely harmful because it is used for predators to groom children and to make children think that kind of conduct and behaviour is all right. I think that is just deplorable.

So now I am very suspicious when an NDP member stands up and says we should get rid of this defence. I want to make it very clear where I stand on this issue. I oppose the public good defence that the Liberal government has brought in and that every credible witness discredited and I oppose the artistic merit defence that allowed child predators like John Robin Sharpe to take advantage of our children in this country.

● (1710)

I oppose both of those defences and I am asking the government to listen to the evidence it heard in committee. Let us go back to the drawing board and do it right this time in order to protect our children. Let us make it clear, not like the NDP, that all child pornography that exploits children should be banned.

Specifically, when the minister at the time came before committee, he admitted that the artistic merit defence was still included in the broader public good defence. He stated:

> Artistic merit still exists in the sense that a piece of art will have to essentially go through the new defence of public good and through the two stages. Of course, the first question is always this. Does it serve the public good?

The point is then that buried in this new defence is the old defence of artistic good and the same law that allowed a judge to acquit John Robin Sharpe of two counts is still there. Why are we going through this exercise, this kind of Liberal feel good exercise that we are doing something about changing the law when in fact we are doing nothing of the sort? Substantively, the test will be the same.

The Conservative Party calls for the elimination of all defences that justify the criminal possession of child pornography. Of course, the criminal possession of child pornography does not apply to those in the justice system associated with prosecution, or researchers studying the effects of exposure to child pornography. We know that there are a number of defences that are still available to child pornographers.

The entire Liberal approach to the protection of children as demonstrated by the bill is shameful. The disguising of the artistic merit defence under this broader defence of the public good is only one particular problem.

Another serious problem is that in Canada the age of consent between adults and children for sexual activity is age 14. In special circumstances, where an accused thinks that the child was in fact 14, the sexual contact of an adult with a 12 year old child can be justified. There was a recent case where a 12 year old native girl was raped by three individuals and two of them were acquitted on the basis that they thought that the girl was 14 years of age.

It is shameful that even in Canada we could advance that kind of argument, that adults—these boys as the judge referred to them—who were over 20 years old or 24 years old could rape this young girl and be acquitted because they thought she was 14 years of age. It is disgraceful.

The government continues that kind of disgrace and tries to create a new category of exploitive relationships. To prove that relationship will be cumbersome and complex. It will frustrate police and prosecutors. Most civilized western democracies, and others indeed, have at least a minimum age of 16. Why is the government so scared to protect children under the age of 16 from the exploitation of adults?

● (1715)

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, discussions have taken place between all parties concerning today's debate on the report stage of Bill C-12. I believe you would find unanimous consent that if recorded divisions are requested today on the motions at report stage of Bill C-12, they be deferred until the end of government orders on Tuesday, February 24, 2004.

● (1720)

The Acting Speaker (Mr. Bélair): Is it agreed?

Some hon. members: Agreed.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, our party appreciates the efforts of the member for Provencher who just spoke on this issue. He has been our point man on this issue. He has been active on this file and has been keeping us informed. As the former attorney general of the province of Manitoba, he is well versed in the legal implications of these matters.

I would also like to mention the hon. member for Wild Rose, who has been a campaigner in our caucus and in the House for as long as I can remember on the issue of child pornography. I know his heart, like many of the members on this side, is greatly shaken. He is outraged, as are many of the constituents in my riding, about what is going on with child pornography in our midst today and by the inaction by the House, led by the Liberal government, in dealing with these atrocities that go on as we speak.

There are so many issues to which the government responds with an illusion instead of with substance and with a smokescreen of taking action that is not the action required to change the problem. It is an illusion.

We see it in other instances, for example, in dealing with crime. Instead of dealing harshly with criminals who misuse firearms, the government comes up with a strategy to register the weapons of duck hunters and farmers and wastes a billion dollars of taxpayers' money. It is an illusion that does not address the underlying issue.

We see it in other areas, but nowhere is it more demonstrated than in criminal justice matters such as child pornography and the age of sexual consent.

It was not long ago that members of the Toronto Police Force came to the House to help us understand what was going on. Sadly, most members of the House and many members of the public do not understand the depth of depravity that is going on today in the underworld of pornography, particularly as it relates to children.

There is a proliferation of very graphic sexual and violent images of abuse of children that are abundantly available today. They are putting our children at high risk and continue to undermine the very values of our society. We are concerned.

Many members could not sit through the entire presentation because they were so distraught at the images that the officers put forth. They warned us that it would be graphic, that it would not be easy, and that in fact it would be tough. Some members frankly were not able to continue. Some of the seasoned police officers themselves have not been able to carry on with investigations because of the volume of the very graphic and destructive material that they are required to view in terms of prosecution.

In our area of Vancouver Island, British Columbia we are not proud to lay claim to the fact that the John Robin Sharpe case comes from British Columbia. This case infuriated the people in British Columbia when this man, with his vile images of abuse of children, was exonerated. He tied up the courts because they refused to deal with the issue of the defence of artistic merit. Cases were not even being prosecuted for a period of time. It tied the hands of the police in dealing with these matters.

That brings us to where Bill C-12, as we call it today, is going. The hon. member for Provencher has already outlined where we are going with the artistic merit defence. It so outraged Canadians that somehow we could find artistic merit in the abuse of our children, or that anyone could. It is just an outrageous concept.

It brings us to the understanding that the government has again created an illusion. The Liberals hope to campaign on the bill, saying that they have got tough on child pornography and have acted to protect our children.

● (1725)

The House has a responsibility for more than smoke and mirrors. We have a responsibility to deliver goods to the people that actually accomplish the objective. Smoke and mirrors are not good enough. Repackaging artistic merit as public good is simply not good enough. It will allow the same kind of defences to go on, and the same kind of abuse to continue. It will allow lawyers to argue in the defence of their clients that there is some public good in these atrocities.

Recently I was visited in my riding office by two groups of citizens who are concerned about the age of consent and about sexual abuse of our young people. Marie Poirier from my riding, as well as Joan Sauve, Gloria Ash, Viola Cyr and Helen Metz came to see me. They were part of a white ribbon against pornography campaign and they had hundreds of signatures written on these white ribbons. They were concerned about the abuse of our young people who were being victimized by people who thought that it was all right for adults to engage in sex with young girls and victimize them.

I was not able to present these petitions in the House because they did not fit the appropriate format, but on their behalf I want to say how outraged parents and families are because they know of people in our neighbourhoods and communities who have been abused. The example that the member for Provencher mentioned a moment ago dealt with two men who were acquitted of sexually abusing a girl as young as 12 because they thought she was 14.

This was not about consenting sexual acts among young people, as much as we might disagree with that. It was not about consenting young people. It was about adults abusing young people. Sadly, this kind of activity continues in our society. It continues to hurt and damage young people, leaving them scarred, many times for life.

Thank God that through counselling, and the help and assistance of the many volunteers who try to help these people, and with the support of families, some of them will overcome it, but many of them will carry this abuse into future relationships and will be damaged perhaps for life.

We see some serious problems with this legislation. We see more smoke and mirrors. We see a government that wants to say that it has taken action to deal with this when in reality what it has done is simply change the language that will allow it to continue.

The Conservative Party of Canada would like real answers. We would like to see this moved ahead. We are really concerned about this and the implications for society. We would like to see real action taken to protect our citizens.

There is another issue that deals with raising the maximum penalties. This is an old trick. We know that maximum penalties are hardly ever imposed by the courts, but people have a hard time understanding that. When they hear language that we have gotten tough on child pornography and we have raised the maximum penalties, it gives people the impression that something is being done to protect our citizens when in fact it is meaningless. If we were to get tough, we would increase the minimum penalties and we would have mandatory prison sentences for people who are convicted of these crimes. It is time to get tough to protect our youngest and most vulnerable members of society.

I have spoken on this issue before. I can only express again on behalf of my constituents the umbrage and disgust that they have with this ongoing abuse of our young people. I can only ask that all members of the House will understand the seriousness of this issue and make the appropriate amendments to put real teeth in the law to ensure that our young people are protected and that they have a chance to take their places in society as wholesome adults. We are looking for that kind of action from the House.

● (1730)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, I am very pleased to rise in this House to address this important legislation, namely Bill C-12, which was formerly Bill C-20.

As most hon. members have pointed out, if there is one issue on which all the members of this House agree, it is the importance of protecting the most vulnerable people in our society, who also happen to be the most precious ones, namely our children.

Quebeckers and Canadians expect us to rise above partisanship and not use this issue to score political points. They expect the perverts the sick and the maniacs, those who want to sexually exploit our children to be properly punished and to pay for the despicable and horrendous crimes that they commit by going after our children.

It is with this in mind that, when we debated this legislation, the Bloc Quebecois was very proactive and open, and also made a number of proposals. We listened very carefully to what those who came to testify told us. Based on the very eloquent testimony we heard, we proposed a number of amendments.

Motion No. 1, which is before us today, is an amendment that was originally proposed by the Bloc Quebecois. It is an amendment that I myself proposed. I am pleased to see it included in the bill. There was a minor problem with the French and English versions. That was corrected with this amendment. As for Motion No. 3, it deals with a mere technicality.

Two issues were the subject of rather heated discussions in committee, and I want to draw your attention to them. The first one has to do with the definition of "public good". The witnesses who came to testify before the committee told us that a defence based on the notion of public good is currently too broad, not acceptable and could lead to abuse. Among others, police officers, who are on the front line, told us that they do not have the time to get into philosophical discussions on the meaning of "public good".

That is why I put forward an amendment in committee to define the meaning of public good. The essence of this amendment is found in clause 7(2) of the current bill, Bill C-12. I absolutely do not understand why the New Democratic Party is against this clause, especially since the NDP critic said at the very beginning that public good was not defined. Perhaps she was referring to the first version of the bill, but the work done in committee resolved this problem by clarifying the definition of public good.

I was very disappointed by the Liberals' unwillingness, if you will, to insert a clause that would provide minimum sentences for the sexual exploitation of our children. In the general public, particularly in the Quebec City area, following the events of which we are all aware, there has been heightened sensitivity and awareness of the danger of sexual exploitation of children.

Having been previously alerted to the general problem, I thought it would have been a good idea for the government to agree to include minimum sentences and mandatory minimum sentences.

● (1735)

Unfortunately, the government, with its majority, refused. Nonetheless, to give credit where credit is due, some members of the ministerial team voted with me and the Canadian Alliance at the time, to have such sentences.

It is unfortunate that the government did not agree. I guarantee, and I will make the promise right now, that I will not drop this and I will make sure that these people, these perverts, these criminals, are severely, yet humanely, punished. They prey on those who are dearest to us and also most vulnerable.

I will conclude by saying that this is not my last speech on this topic in this House or elsewhere. As parliamentarians, we have the political obligation, but especially the moral obligation, to ensure that those who attack our children are severely punished; as severely as possible. This is about the future of our society.

[*English*]

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, I am pleased to rise on behalf of the constituents of Surrey Central to participate in the debate on Bill C-12, an act to amend the Criminal Code, protection of children and other vulnerable persons, and the Canada Evidence Act.

Yesterday I participated in a debate about encouraging our youth to vote and to get involved in politics. Youth are our future. The most vulnerable groups in our society are children, women and seniors. All the laws we see coming from the government side over a period of time are not protecting any of these groups.

Some time ago there was an incident in my constituency of Surrey Central. A senior citizen, a second world war veteran who was deaf and mute, was beaten to death. Another time there was an incident in the Cloverdale area of Surrey Central. A young girl was abducted, badly treated, and I do not want to go there, and she was murdered.

We constantly see that our streets are not safe. These two vulnerable groups of citizens are not being protected in our society. The government is not doing enough. The law enforcement agencies do not have laws with teeth. We have ended up in a revolving door with legislation after legislation which is ineffective and is not working and is not giving adequate resources to the law enforcement agencies.

The bill before us today was first introduced in 2002. The Prime Minister tries to continue the charade that he leads a new government, yet here he has put an old, flawed bill before us. Admittedly, there are some good things in the bill, but with the good things there are some bad things as well. I have outlined them in the chamber many times before. However, the Prime Minister has not bothered to incorporate any proposed changes. He has not even seen the need to introduce any amendments of his own. How committed can the Prime Minister be to democratic reform? How new is his government or his ideas when we see legislation recycled time and again in this chamber and it does not reach anywhere?

The Department of Justice proposed Bill C-12 to expand the offence of sexual exploitation and the definition of pornography, and to eliminate the defence of artistic merit in child pornography proceedings.

The bill also increases maximum sentences for people convicted of these crimes. If passed, the bill would also increase penalties for failing to provide the necessities of life and abandoning a child.

Bill C-12 is a reaction to the 1995 case of John Robin Sharpe in British Columbia. Sharpe was found guilty of possession of as many as 400 images of children who prosecutors contended were being exploited sexually.

In March 2002 Sharpe's conviction concerning the images was upheld by the Supreme Court. However, he was ultimately acquitted of related charges that had been filed against him in connection with stories he had written, specifically because those writings were deemed to have artistic merit.

Bill C-12 purports to close the loophole that allows people to create child pornography using artistic merit as a defence and establishes a standard of public good.

● (1740)

If Parliament passes the bill, a person will be found guilty of a child pornography offence when the material or act in question does not serve the public good or where the risk of harm outweighs any public benefit.

Since the Sharpe case, Conservatives, and our predecessors, have called on the federal government to eliminate the artistic merit defence, but replacing it with a public good defence is not the solution to the problem. We must eliminate all defences that justify the criminal possession of child pornography.

The bill would also increase penalties for offences that harm children. The maximum penalty for sexual exploitation would double, from five years to ten years, and the maximum penalty for the abandonment of a child or the failure to provide the necessities of life to a child would more than double, from two years to five years.

These increases in penalties are meaningless, however, if the courts do not impose the sentences. We know by experience that when maximum sentences are raised, there is no corresponding pattern in the actual sentencing practices. What is needed are mandatory minimum sentences. Maximum sentences do not help. When a judge sentences someone for life, which is 25 years, it is never 25 years. Similarly, tougher penalties would probably be a better deterrent to committing a crime. What we need are minimum sentences, truth in sentencing and no conditional sentences for child predators.

Bill C-12 would also create a new category of sexual exploitation that would protect people aged 14 to 18. Courts would focus, not on consent but on whether the relationship is exploitative based on the age difference, or control exerted, and other circumstances. This is not good enough.

It is already against the law for a person in a position of trust or authority or with whom a young person is in a relationship of dependency to be sexually involved with that young person. It is unclear how adding people who are in a relationship with a young person that is exploitative of the young person would add legal protection for young people.

What the Liberals should have done was increase the age of sexual consent, which is what we have been asking for a very long time.

A major shortcoming of the bill is that it fails to raise the age of consent for sexual activity between children and adults, and, shamefully, Canada's is the lowest among all the developed countries.

I fail to see the rationale for permitting adults to engage in any sexual activity with children. The government should raise the age of consent, which is currently set out in section 150.1 of the Criminal Code, from 14 years to 16 years, if not 18 years. Just imagine a grade 9 student giving consent to have sex with a 60 year old person or a 50 year old person.

This is not the Canada I migrated to. We need to do much more to protect our children.

In British Columbia's lower mainland we are all too familiar with the problem of prostitution. Studies have found that 70% to 80% of Canadian prostitutes entered the trade as children. There are literally hundreds of prostitutes under 17 years of age currently working on Vancouver streets. It is very shameful.

The recruitment process for the sex trade in Canada preys on young girls and young boys, specifically targeting those who are at the current age of consent, which is 14.

● (1745)

According to the Children of the Street Society, the majority of parents who call asking for help have children who are 14 years old and are being recruited into the trade. They argue that if the police had the ability to pick up the girls or boys, regardless of their consent, and return them to their families or to take them to a safe house, then many youth would be saved from entering the sex trade.

It is of no use looking at the age of consent from the perspective of the advantaged, critically thinking, well protected 14 year olds. The government has to enact laws that will protect our children.

During my tenure in the House I have watched as family values have been continuously eroded in Parliament. Every time the government introduces any legislation we see family values being eroded, whether it is the definition of marriage, the age of consent or the protection of our children from predators. When will the government listen to Canadians, for the sake of our children and the most vulnerable, and enact laws with teeth?

Bill C-12 is very complex, with cumbersome provisions and it would not make it easier to prosecute sexual predators. The government lacks political will. The Prime Minister should be ashamed for doing so little so late to protect our children and other vulnerable groups.

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, it is a pleasure to have an opportunity to participate in the debate this afternoon regarding Bill C-12 and Motion No. 2 which would delete clause 7 of this particular bill.

With respect to the previous speaker, there is no question that we all share the concerns that the bill is intended to address. I do not think there is any doubt about that. We want to protect those most vulnerable within our society, and this is an excellent example of how we can do it.

The way in which the bill has been constructed and brought before the House is appropriate and there is no need for an amendment of the nature that is being brought forward.

Today, when I rise to speak to the bill, I do so in support of the bill itself and to oppose the motion to delete clause 7.

This bill is designed to deal with an amendment to the Criminal Code to protect our children and other vulnerable persons. It is a very broad bill. It also includes a provision to deal with the Canada Evidence Act and proposes a broad package of criminal law reforms that would seek to strengthen not only the criminal justice system in this particular instance, but in the broader instance as well.

The bill is not just a response to children and other vulnerable persons as defined in the limited discussion that has been going on here today. It will actually be broader than that and in particular with respect to bringing forward witnesses and those who would testify in trials.

One of the key elements of the bill is the strengthening of the existing child pornography provisions by broadening the definition of written child pornography and narrowing the existing defences to one defence of public good.

It is very important that when we examine this concept that we look at what is trying to be accomplished here. What we are trying to do is avoid the situation that was described by the previous hon. member when he talked about the Sharpe case. This is important and it does need to be addressed. We are going forward with the bill to narrow that defence to one defence of public good.

The second key element is strengthening protection for young persons against sexual exploitation. There is a great tendency to simply look at issues of this nature as if the child or the young person was in fact the person who ought to have more restrictions placed upon them. What we are really trying to do is broaden the offence to those who would exploit, those who would take advantage of young persons. This is why the definition of sexual exploitation has been put in the bill.

We are also looking at increasing penalties for offences against children. Many times we hear that the ultimate penalties received are not significant enough. However I think that if we were to increase the penalties, it would give the courts much more room to address the issue of sentencing so that one does not necessarily have to go to the maximum on a first offence, which in almost all cases does not occur, but rather it is a graduated process of trying to use the appropriate sentence that fits the crime.

By increasing the sentencing provisions and penalties within the act, we would be allowing greater latitude for the courts. We will be giving that flexibility so they can be most severe with those who deserve the most severe penalty.

Another area in the bill would facilitate testimony by children and other vulnerable victims and witnesses. This is extremely important because when a victim goes through the actual act that is when the victim is created.

● (1750)

It is extremely difficult, then, for that victim to in effect go through explaining before all parties this victimization in a court. Therefore, we need to put in place appropriate measures to minimize this process, which would once again lead to further victimization. So within the bill, there is a process whereby testimony can be given in many forms and various protections and assistance can be brought forward for victims and also for witnesses to these crimes.

Lastly, the bill also deals with the concept of voyeurism. This criminal offence is an offence that is extremely important. Today it seemingly is more important with the advent of more and more electronic devices. In particular, we note that the latest cellphones have cameras attached to them and are able of course to take photographs and then transmit these particular photographs on the Internet. This form of voyeurism and the access it provides because of the very nature of the device is something that we must take very stringent action upon, and in this particular case it is part of the bill.

Child pornography is an issue that is regrettably not a new concern for all hon. members in the House. The sexual exploitation of children—again, society's most vulnerable group—in any form, including through child pornography, is to be condemned.

Bill C-12 recognizes this and proposes amendments to our existing child pornography provisions that will, I believe, serve to better protect children against this form of sexual exploitation. This motion seeks to delete two child pornography reforms proposed by Bill C-12. Bill C-12 proposes to broaden the existing definition of written child pornography to include written material that describes prohibited sexual activity with children where that description is the predominant characteristic of the material and it is done for a sexual purpose.

Second, Bill C-12 proposes to narrow the existing defences into one defence of public good, a term that is now specifically defined in the bill. I know that my hon. friend who spoke before me talked about this issue of public good, but clearly we have to be able to define in certain limited circumstances where in fact it is beneficial to society to have this defence, so that in fact in its simplest form it allows for the proper investigation and prosecution of those who would be participants in this business of pornography.

To say that in fact there should be absolutely no defence is simply not looking at this in a pragmatic way. Under the new law, no defence will be available where the material or act in question does not serve the public good or where it exceeds or goes beyond that which does serve the public good.

The public good defence recognizes that in some instances, such as with the possession of child pornography by police as part of an investigation, as I was just mentioning, such possession serves the public good and should be protected. It also recognizes that art or material that has artistic value can serve the public good but, and unlike the artistic merit defence, Bill C-12's proposed public good defence would not be available for such art where the risk of harm that it poses to society outweighs any potential benefit that it offers.

Canadians want more and better protection for our children against sexual exploitation through child pornography, not the same as or less than what we already have today. Given our ever growing understanding and knowledge of the nature and scope of the problem of child pornography in Canada and around the world, we must hold firm in our resolve, which resolve was unanimously reaffirmed as recently as last week, to take concrete and effective measures to better protect children against sexual exploitation through child pornography.

Accordingly, I do not support the motion and I urge all hon. members to support Bill C-12 as it was passed by the justice committee.

● (1755)

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, on February 28, 2003, I presented a petition to the House from my constituents. The petition was signed by 142 people from my riding of Calgary East. The petitioners called upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or other activities involving pedophilia are outlawed in Canada.

Other members of Parliament have presented similar petitions. This petition is the essence of what the feeling is out there. The feeling is unanimous out there that we need to protect our children. There is no other meaning. It is unanimous that the people of Canada are saying, "Let us protect our children". We have to take that message very seriously.

Bill C-12 is an attempt to protect our children, but there are flaws in the bill that the Conservative Party cannot support. We believe the bill is not tough enough to protect our children. We get the message from our constituents, and again, that message is—let me repeat it—that we have to protect our children from sexual exploitation.

Bill C-12 does not do that on two bases. One is on the basis of what is called artistic merit. The definition of artistic merit as given by the court's decision can be interpreted as broadly as possible. That is not the message we are getting from the people of Canada. That message should be reflected in this bill: artistic merit should not be a defence for anyone who is abusing the children of Canada. Simple, point of fact, straightforward: the children of Canada need to be protected. They are children. We are their guardians. If we do not protect them, who will? We cannot have any loopholes that say there is a possibility under artistic merit or some other kind of loophole that this exploitation can take place.

I have not come into any kind of contact with child pornography, except once when the Toronto police force came to our caucus and did a presentation on child exploitation. I was stunned. One actually has to know. I commend these officers when they see this day and night. I take my hat off to them and wonder how they can sleep at night when they see all this exploitation taking place.

Those graphic pictures would have shocked anybody. It shocked me such that I got up from there with a clear cut, straightforward, simple resolve that there should be no defence whatsoever when it comes to protecting our children. They can come with any kind of defence or excuse, but it does not exist. When we look at the evidence that is gathered and when the police force show us this horrendous picture of what is happening—and it is happening—then we have to say no.

The other issue is about the age of consent. We in this country have an age of consent which, in anybody's mind, we would say is a form of sexual exploitation. How can we have 14 as an age of consent when everybody else has an age of consent ranging from 16 to 18? The age of consent should be over 16.

● (1800)

I do not understand why the government chose to ignore this specific issue when the former minister of justice, the member from Edmonton, stated quite clearly that she had talked to the provincial ministers and everybody agreed that the age of consent should rise.

I am sorry to say this, but when I read "exploitative" relationship, I see bureaucratic language. Exploitative relationship is bureaucratic wording. Why can we not make the bill simple and clear? We must be clear in this bill: "the age of consent should be this". It should not say if somebody in an exploitative relationship and then go ahead and give arguments and try to define what the relationship is. All these loopholes come out of this.

Although the bill has come back from the committee, which made some recommendations for changes, the changes in this particular instance do not reflect the will of the people of Canada, which is very simple: stop completely, with no loopholes, the exploitation of the children of Canada.

My party and I will find it very difficult to support this bill.

● (1805)

The Speaker: I believe the hon. President of the Treasury Board is rising on a question of privilege.

* * *

PRIVILEGE

DOCUMENT TABLED BY THE MEMBER FOR PICTOU—ANTIGONISH—GUYSBOROUGH

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am indeed rising on a question of privilege on a matter that arises out of matters that occurred earlier today in the House, and I am prepared, upon you making a finding of a prima facie case of privilege, to move the appropriate motion.

Today in question period, the member for Pictou—Antigonish—Guysborough stood up and raised questions with the Prime Minister about actions that he was, as the opposition has been for a while, trying to twist the facts in a manner that allowed people to feel that there was a problem.

He asked a question that he based on a memo. The implication in the question, because the Prime Minister had indicated that certain companies should be added to a list of companies who were able to bid, was that somehow he had fraudulent knowledge because he had done that.

The Prime Minister stood up in response and said that he was quite content to have the whole document tabled in the House and that would be self-explanatory.

The member stood up after question period and said that earlier in question period he had asked the Prime Minister about a document, an internal memo that came from his office in 1994, that pertained to retail debt strategy. He said that the Prime Minister indicated at that time he had no difficulty with that document being tabled. He said that he had a copy of that and he would like to table it in the House today, and he did so.

Upon receiving that document, we had a look at it to verify that it was indeed the document the member tabled, and it was recorded that he had tabled a two page document.

I have a copy of the original document, which I am prepared to table today, which is in fact five pages long. It contains the very explanation the Prime Minister gave, that this was a general document trying to expand the range of companies, not narrow it as was suggested.

However, there is a more serious issue here, and it does not have to do with the political debate. It has to do with the duty of members to come forward forthrightly and honestly to this chamber.

You, Mr. Speaker, would not allow me to question the integrity or the veracity of other members. That would be against our rules, and we do that because we have a duty as members. We are seen as hon. members here and believe to be coming forth honourably.

Unfortunately, when the member puts forward an altered document in some attempt to bolster his case, what the member has done I believe is—

Some hon. members: He didn't alter the document.

Hon. Reg Alcock: Okay, Mr. Speaker, the document is incomplete.

An hon. member: That is different.

Hon. Reg Alcock: Members say that it is different. The member in his statement to the House said that he was tabling the document. He only tabled two of five pages. He has a duty to be honest in the House and he has failed in that duty.

When a member comes to the House with false information, when he comes forward with incomplete information, he has committed a contempt of the House.

This, Mr. Speaker, is in many ways little different from the very question we dealt with in committee around the production of incomplete information by the then privacy commissioner. As a matter of information on that, it was found at that time that person no longer had the confidence of the chamber because the information he put forward was incomplete.

The evidence is before you, Mr. Speaker. You have the document, you have the statements of the member and you have the original document which I am tabling now. I would urge you to consider this and help us understand what the duties are on members before the House. Should you agree that there is a prima facie case, I am prepared to move a motion.

● (1810)

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, this is not a questions of privilege. It is a complete and utter waste of time of the House.

The member for Pictou—Antigonish—Guysborough stood today, read a statement and said that he would table it. Whatever he had in his hand, whether it be one page, two pages or ten pages, he tabled what he said he would, which is exactly what he did.

The President of the Treasury Board is skating on very thin ice because he was asked to table a document and he did not. He went out of the chamber, so we will never know whether the document, if it is ever tabled, is the document from which he read.

The member, and I am sure he will speak to it, Mr. Speaker, has tabled the document from which he read, whether it is the complete, partial or in some other language. That is what he did, that is what he said he would do, and this is a waste of your time and our time, Mr. Speaker.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, very quickly, the issue—

Hon. Reg Alcock: That is not what he said.

Mrs. Marlene Jennings: Read the blues.

The Speaker: Order. The hon. member for Scarborough—Rouge River has the floor. He wants to make a contribution to the procedural argument we are dealing with at the moment, despite the noise.

The hon. member for Scarborough—Rouge River.

Mr. Derek Lee: Mr. Speaker, the issue here is whether or not the House has been misled, intentionally or otherwise, by the hon. member. Just to focus with what I believe is great precision on what has happened here, the member for Pictou—Antigonish—Guysborough rose in the House and referred to a document, an internal memo. He described it as a document, an internal memo, and he said that he had a copy of that document and would like to table it in the House.

What the member did table in the House was two pages only of a five page document. I do not know and the House does not know if the member knew it was five pages or four pages, but the document that was tabled was not the document, was not the memo. It was selective and partial. I submit that in doing that, the member may have misled the House, either intentionally or not, and if he has done that, this may constitute a matter of privilege. That is the matter that is put before you now.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, I am pleased to have an opportunity to respond to the sneak attack of the member opposite in his usual blunderbuss fashion.

The document itself was of course a document that we received confidentially. The two pages that we were in possession of were the totality of the document that we received. If the document is five pages or 10 pages or more, that is more than I have seen. The two pages that were tabled in the House are the only two pages that I was personally in possession of. I referenced it in a question to the right hon. Prime Minister.

Mrs. Marlene Jennings: You should have said that.

Mr. Peter MacKay: How would I refer to pages I did not know existed?

Mrs. Marlene Jennings: It says page one and page three. Page two is missing.

Hon. Jacques Saada: It is called professionalism.

Mr. Peter MacKay: The usual tactic of accuse the accuser is what is playing out before the House today.

Obviously my tabling of that document was in response to the Prime Minister's invitation to do so, which I did. Unlike the member opposite who scurried out of the House to make copies, I rose in my place at the conclusion of question period, offered to table the document, two pages which I was in possession of, to which members opposite agreed, and that is the total document that I was in possession of, the two pages.

This is a complete distraction, a rabbit-tracks tactic that the government is obviously up to here.

[*Translation*]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, if we are to accept the explanation given by the member for Pictou—Antigonish—Guysborough, he must still explain why he only had pages 1 and 3 in his possession.

He should have noticed that there was a page 2. He can claim that he did not know that there was a page 4 and a page 5, but he certainly knew that there was a page 2.

I maintain, as did the President of the Treasury Board and my colleague, that the member voluntarily and intentionally misled the House. He had to know that there were at least three pages and that he was tabling only two of them. He should have mentioned that, to his knowledge, it was a three-page document and that he had only two pages in his possession.

● (1815)

[*English*]

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I find the comments made by the member simply remarkable.

The member for Pictou—Antigonish—Guysborough stood up and said, "I have the document. It is two pages and I am going to tender it". If the member was trying to mislead the House, would he actually table it? No, he would do what Liberals do and hide the document. The member stood up and put his document on the table. Let the President of the Treasury Board put forward the document that he keeps on hiding.

The Speaker: I think we have heard the argument on this. The Chair seems to have got the drift thoroughly.

[*Translation*]

The hon. member for Scarborough—Rouge River, the President of the Treasury Board and the hon. member for Notre-Dame-de-Grâce—Lachine all made interventions on this subject on behalf of the government. We also heard from the hon. member for St. John's West, the hon. member for Pictou—Antigonish—Guysborough and the hon. member for Provencher on behalf of the opposition. We also heard from other members of the House.

I believe that the Chair has heard enough on this point to be able to take the matter under consideration.

[*English*]

I will get back to the House in due course and give a decision on the matter.

On a point of order, the hon. member for Peace River.

POINTS OF ORDER

TABLING OF DOCUMENT

Mr. Charlie Penson (Peace River, CPC): Mr. Speaker, now that you have dealt with a matter raised by the President of the Treasury Board, I would ask that you request the President of the Treasury Board to table the document that he read in the House today. He scurried out of the House so he did not have to present it this afternoon.

I think the rule should apply in the same way to the President of the Treasury Board who read from a document and then did not present it to the House. Here is an opportunity for him to do that. I would suggest that he be called to account to present the document.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am only too willing to table the document. It is on the website. If the hon. member checks my remarks in the House, he will see that I said I would be only too willing to make copies for all members, which I undertook to do. I am more than willing to give it to them, but they can actually go to the website. There is the document.

The Speaker: I think that brings the matter to a conclusion. Of course we are all very thankful to the President of the Treasury Board for having tabled the document in the House.

I believe that concludes this intervention and series of debates for the moment.

[*Translation*]

* * *

CRIMINAL CODE

The House resumed consideration of Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, as reported (with amendments) from the committee, and of Motions Nos. 1 to 3.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I shall try to make a speech that will not result in us being taken for idiots. This afternoon, we clearly heard the President of the Treasury Board call the Bloc Quebecois members idiots. I thought it was important to begin my speech by saying that. That kind of thing is unacceptable. Perhaps it was not recorded, but we heard it clearly.

With respect to Bill C-12, it is important that we be able to say that, with the changes and evolution in technology today, many aspects of this technology should now be taken into account in a debate such as we are having on the subject of Bill C-12, on the controls needed to ensure that child pornography does not spread everywhere.

Recently, we have seen examples in Quebec that demonstrate to what an extent this has become a very touchy subject. People react very strongly when children are involved in child pornography situations.

As proof, for example, there was Operation Scorpion in Quebec City, where the police uncovered a whole system where certain sexual predators took advantage of what was happening with young people. That is not acceptable in a society, even if certain people want to convince us that it is a free and democratic society. A free and democratic society does not go so far as to sexually exploit children.

Overall, we agree with the bill before the House to amend various provisions of the Criminal Code. I want to give some examples. The maximum penalty for sex offences would increase. Obviously, if children are the victims, if society wants to side with the victims, convicted offenders must receive a harsh penalty. That is the intention of this amendment to the Criminal Code. The maximum penalty for sexual exploitation would increase.

The penalty for child abuse would also increase. Child abuse constitutes aggravating circumstances. For example, there are aggravating circumstances when a sexual predators are physically abusive. Obviously, we have no problem with this change.

A series of amendments to the Criminal Code are proposed to allow various means to facilitate testifying. We consider this extremely important. When children are required to testify before the prosecutors, judge and the entire court, with all the decorum of such courts, they feel intimidated and it makes it harder for them to testify.

There are things we fully agree with. It is important that all orders restricting publication be upheld. In the case of child abuse, when youth protection lawyers prosecute the parents or the child abuser, often, indeed almost always, the judges will invoke an order restricting publication. We agree with this.

We also agree with the ban on cross-examination by the accused. That is unacceptable, but it often occurs in adult court or rape cases. In the past, some accused have cross-examined the victims themselves, because they were defending themselves. It is very difficult to accept that this happens. If we allowed this, an accused could question a child he abused physically or sexually.

These are things that we want to see in this legislation. Video recordings are also good, as is allowing the child to testify behind a screen without having to face the court. These are all extremely important.

● (1820)

The bill also creates an offence for voyeurism and for distribution of voyeuristic recordings. Previously, this was a grey area. I think identifying it and making an attempt to define it closely is a positive element in the bill.

There is also the matter of consent. We have to talk about it. We believe that in a free and democratic society, if a child aged 14 or over gives consent, society can accept it. Of course, if there is exploitation involved, that is another thing, and we cannot accept it. Also, I believe there is a provision in the bill that a child 14 and over may give consent, yes, but not with a person who is in a position of authority, such as a school principal or the like. Even if the child says he consents, I think it is unacceptable to allow it because of this relation of authority.

As far as the age issue is concerned, I do not share the opinion of my colleagues in the Conservative Party, the former Alliance. They are the ones who introduced the young offender legislation and voiced approval of jail sentences for youths aged 14 or 15. Now they are telling us it is unacceptable for young people to have consensual sexual relations under the age of 16. It seems to me that this represents a problem on their part. If, in one bill, they can say that offenders of that age can be imprisoned and tried in adult court, I do not see how consensual sex cannot be allowed at the age of 14, 15 or 16. I think the Alliance has a consistency problem here.

A number of factors in this bill convince us it should be adopted. We agree with this bill, particularly since we are of the opinion that the Criminal Code did not contain sufficient provisions for the defence of these young victims.

A number of measures are introduced for inclusion in the Criminal Code. We feel that victims will benefit from them. A clear signal will also be sent for society to side with young people who have been victims of this type of treatment and take a strong stand against abusers and sexual predators. The Bloc Quebecois will therefore be supporting this bill.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1825)

[*English*]

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, on February 11 I asked the Minister of the Environment if he could indicate when heavy duty emission standards of diesel trucks similar to the ones just set in the province of Ontario would be set for the rest of Canada so as to apply to vehicles crossing provincial borders.

The minister's reply was encouraging. He indicated that he “will be working with the Canadian Council of Ministers of the Environment to extend the Ontario standards across Canada, and also with the commission on environmental cooperation to extend the Ontario standards north-south through the United States and Mexico”.

The minister went on to report that on January 1 of this year new heavy duty diesel truck regulations were introduced requiring new emissions control technologies to reduce nitrous oxides by 90% and particulate matter by 95% for these vehicles.

Tonight I would like to ask the Parliamentary Secretary to the Minister of the Environment to inform the House as to the date when the new heavy duty diesel truck standards for the rest of the country will come into effect; the date when the new emissions standards will come into effect in the U.S.A. and Mexico; and the date when the new federal regulations for heavy duty diesel trucks announced on January 1 of this year will come into effect.

Targets and timetables are essential for cutting pollution in North America. I look forward to the parliamentary secretary's reply to this effect.

[*Translation*]

Hon. Serge Marcil (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I would like to thank the hon. member for Davenport for raising a very important question, one everyone feels is as important as atmospheric pollution, and that is automotive pollution.

As hon. members know, the Government of Canada clean air program is in its third year. This program is a comprehensive plan requiring the use of less polluting fuels and more stringent emissions standards for new vehicles.

Clean air is the priority of the Minister of the Environment, and we will continue to develop measures to protect the health and environment of Canadians.

The federal government is instituting domestic regulations designed to ensure that automotive manufacturers provide us with products that meet these more stringent emissions standards throughout their useful life, as long as they are properly maintained. This should be effective by January 2004.

By 2010, new federal emissions standards for heavy vehicles will reduce CO_2 emissions by 95% and particulates by 90%, over previous standards.

In recent years, under the aegis of the Canadian Council of Ministers of the Environment, the federal Minister of the Environment has been a leader in the development of codes of practice for inspection and maintenance programs for both heavy and light vehicles. These codes are designed to facilitate the implementation and coordination of such programs in Canada.

Naturally, regulatory regimes for vehicles in operation fall under provincial jurisdiction. Inspection and maintenance programs such as Ontario's Clean Air Program are generally implemented on a regional basis when it comes to dealing with local air quality. The primary objective is to ensure the proper maintenance of vehicles in operation to introduce over time appropriate emissions control.

We must congratulate Ontario on being the North American leader in terms of emissions standards for vehicles in operation. Through closer cooperation with the Canadian Council of Ministers of the Environment, such efficiency could become Canada-wide. Ontario's new standards for heavy duty vehicles in operation will greatly complement our federal regulations for new heavy vehicles.

Clean air is not the prerogative of a any one government, industry, resource sector or thematic group. Clean air is our common responsibility.

I think we should all recognize the merit of any initiative—be it an individual, community or provincial one—promoting clean air.

● (1830)

Hon. Charles Caccia: Mr. Speaker, I thank the parliamentary secretary for his answer. I want to ask him if he could tell the House when the new standards will also apply to the United States and Mexico.

Hon. Serge Marcil: Mr. Speaker, obviously, we must respect equally the jurisdictions of each country. However, since we share the same continent, North America, there is a tripartite association where we can discuss such standards.

But it is impossible for me to be able to tell my colleague today when the Americans or the Mexicans will apply these standards.

All I can say is that there is intense collaboration among these countries to reach agreement on, at the very least, similar standards for North America.

[*English*]

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:34 p.m.)

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